

Joseph Williams

L A W S

O F

NORTH-CAROLINA.

1798.

SAMUEL ASHE, Esq. Governor.

At a GENERAL ASSEMBLY begun and held at the CITY of RALEIGH, on Monday the nineteenth day of November, in the year of our Lord one thousand seven hundred and ninety-eight, and of the Independence of the United States of America the twenty-third: It being the FIRST SESSION of this ASSEMBLY.

CHAPTER I.

An Act to raise a revenue for the payment of the civil list and contingent charges of the government, for the year one thousand seven hundred and ninety-nine.

I. BE it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That for the year one thousand seven hundred and ninety-nine, a tax of eight pence on every hundred acres of land in this state, and a tax of two shillings on every hundred pounds value of town lots with their improvements, and a tax of two shillings on every poll, shall be levied, collected and accounted for in the manner directed by the several acts of Assembly, in such case made and provided.

Tax for 1799 on lands, town lots and polls.

II. And be it further enacted, That a tax on all stud-horses within this state, of the full sum which the owner of such stud-horse shall ask and receive for the season of one mare, shall be levied, collected and accounted for in the same manner as such taxes have been heretofore levied, collected and accounted for.

On stud-horses.

III. And be it further enacted, That no sinking fund tax shall be collected for the year one thousand seven hundred and ninety-nine.

No sinking fund tax.

CHAPTER II.

An Act to amend the revenue laws as respects the land tax.

WHEREAS the present mode of selling lands for the taxes thereof, is insufficient to secure the collection of that part of the revenue: For remedy whereof,

I. Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That from and after the thirtieth day of March next, when any lands shall by the laws of this state become liable to be sold for the taxes of the same; it shall be the duty of the Sheriffs respectively to set up the whole of the lands belonging to any one person or company, for which the taxes thereon shall be due, to be sold to the person who will pay the amount of the public, county and poor taxes, with all charges for advertising the same agreeably to law, for the smallest part thereof; and he shall strike off the quantity so bid or offered to be taken, for the amount of the taxes and charges aforesaid, to the person offering to take the smallest number of acres of the land for the taxes and charges as before mentioned.

Sheriffs duty in selling lands for taxes.

II. And be it further enacted by the authority aforesaid, That the person purchasing lands at any Sheriff's sale, for the taxes under this act, shall be at liberty to make choice of the quantity of land so struck off to him, out of any part of the land offered for sale, to be laid off in one compact body as nearly in a square as can be; and adjoining to some of the out-lines of such tracts or parcels of land.

Purchasers may make choice.

III. And be it further enacted, That when any person shall purchase land under this act, they shall within ninety days after such purchase present to the Sheriff a fair plat of the land they make choice of under such purchase; which plat shall be made by the county Surveyor or his deputy from actual survey, with the courses and distances fairly set forth and certified under his hand; which said survey shall be made at the expence of such purchaser, and the Sheriff shall execute and deliver to him a deed for the same.

How to obtain titles.

IV. And be it further enacted, That if no person shall bid a smaller quantity than the whole, then the whole of the said land so set up shall be considered as a bid for the Governor, and the Sheriff shall strike off the same to him accordingly, and execute a good and sufficient deed of conveyance to him and his successors in office, in manner hereafter directed, for the use of the state.

Such lands devolve to the state in certain cases.

V. And be it further enacted, That it shall be the duty hereafter of the several Sheriffs respectively, to perfect the said deed or deeds by signing, acknowledging and delivery thereof, in the presence of the next ensuing county court for the county where the said land shall

Sheriffs duty in conveying the same.

A

be,

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be, and the Clerk shall accurately register the same in a book to be kept by him for that purpose; which registration shall be deemed valid; and it shall be the further duty of the Clerk after having recorded the deed as aforesaid, to certify the same thereon, and deliver the same to the Sheriff (who shall call on him for the same) within twenty days after the rising of the court, after which such deed shall have been acknowledged; and the said Clerk neglecting to perform and deliver the same to the Sheriff as aforesaid, shall be liable to a penalty of five hundred pounds, to be recovered against him by the Attorney or Solicitor-General, for the use of the state, in any court having cognizance thereof, by motion, first giving to the said Clerk ten days previous notice of such motion.

Penalty.

Further duty of Sheriffs.

VI. *And be it further enacted*, That it shall be the duty of every such Sheriff before he settles his account with the Comptroller, to deposit such deed or deeds in the office of the Secretary of State, who shall record and keep the same in his office for the benefit of the state; and the said lands so conveyed shall be deemed vacant lands, and liable to entry accordingly; and the Secretary of State shall grant a certificate to such Sheriff, setting forth the quantity of land so conveyed to the Governor; which certificate shall be returned by such Sheriff to the Comptroller; and such Sheriff in addition to the oaths heretofore taken on his settlement with the Comptroller, shall also swear that he has conveyed to the Governor in conformity to the requisitions of this act, all lands by him sold for the taxes thereof, and purchased as aforesaid for the use of the state; and if any Sheriff shall fail or refuse so to do, the Comptroller shall in his report to the Treasurer charge such Sheriff so failing or refusing, with the sum of one thousand pounds in addition to the penalties heretofore directed by law, who shall recover the same for the use of the state, in the same manner as other monies are by the present existing laws recovered against Sheriffs and other revenue officers.

Penalty.

Allowance.

VII. *And be it further enacted*, That each respective Sheriff shall be allowed in his settlement with the Comptroller (the requisites of this act being complied with) the amount of the tax on all lands so purchased, together with the costs of advertising and recording, and shall also be allowed commissions on the same as if the money had actually been collected; and such Sheriff shall also be credited in his settlement with the county Treasurer and with the Wardens of the Poor, for such of the county and poor tax as the said lands agreeably to the directions of this act, may be sold to satisfy.

Purchasers subject to accruing taxes.

VIII. *And be it further enacted*, That any person purchasing lands sold for the taxes due thereon, shall be considered as taking and holding the same, subject to the taxes accruing and growing due thereon from the first day of April next preceding the time of his purchase.

C H A P. III.

An Act to amend an act entitled "An act to amend the revenue laws of this state, and to direct the mode in which those who hereafter shall complain of its judgments may obtain redress," passed in the year one thousand seven hundred and nine-two.

WHEREAS by the before recited act the Sheriffs or Coroners on receiving any execution wherein the state is plaintiff, are directed to sell the property executed to satisfy such judgment, on the second day of the court which shall next precede the Superior court, to which said execution is returnable; which said law frequently puts it out of the power of the Sheriffs or Coroners to make return agreeably to the tenor of the said execution;

Duty of Sheriffs and Coroners.

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, any Sheriff or Coroner who has received or may hereafter receive any writ of fieri facias wherein the state is plaintiff, it shall be the duty of the said Sheriff or Coroner after levying and advertising agreeably to the before recited act, to sell the property so executed, observing the directions of the said act on the second day of any court which shall happen in the county wherein such property is so executed, between the time of receiving the execution and the court to which said execution is returnable.

C H A P. IV.

An Act to amend the several acts of Assembly now in force in this state, which respect the entering and obtaining titles for lands.

Certificate of the Clerk, &c. a sufficient voucher for the Secretary to issue grants on.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That so much of the proviso of the sixth clause or section of the seventeenth chapter of the act of one thousand seven hundred and ninety-five, as requires that the receipt of the Entry-taker shall be sworn to in open court, attested by the Clerk, and sent sealed up to the Secretary's-office, be and the same is hereby repealed; and henceforward a certificate of the Clerk of the court with the seal annexed, stating that the person claiming a grant was qualified in open court, and did make oath that the purchase money for the lands claimed was paid to the Entry-taker by or for him, shall be a sufficient voucher for the Secretary to issue the grant on, whether the same shall be handed to him sealed up or otherwise.

II. *And*

II. *And be it further enacted*, That henceforward it shall and may be lawful for the Secretary of State on application, to issue grants on all entries made previous to one thousand seven hundred and eighty-three, without requiring from the applicant any proof that the purchase money has been paid to the state: *Provided*, That the entries on which grants are prayed for, appear on the transcript of the Entry-taker's books lodged in his office, and correspond with the warrants returned to him; which requisite shall be dispensed with in all cases applying to the counties of Chatham and Guilford.

Secretary to
issue grants,
&c.

III. *And be it further enacted*, That the third clause or section of an act of the General Assembly, passed in the year one thousand seven hundred and ninety-six, entitled "An act to remedy certain inconveniencies arising under the present land laws," be and the same is hereby repealed and made void, and that henceforward no duplicate warrant for lands shall be issued but on application by petition to the General Assembly.

Repealing
clause.

IV. *And be it further enacted*, That the eighth and eleventh clauses or sections of the above recited act, be and they are likewise hereby repealed and made null; and that twelve months longer, that is to say, until the first day of January which shall happen in the year one thousand eight hundred, be given to the enterers of lands first described in the fourteenth section of the said act, to wit, entries made since the fifteenth day of November, one thousand seven hundred and seventy-seven, to accomplish their surveys and perfect their titles, the provisions of the said sections or clauses to the contrary notwithstanding.

Repealing
clause.
Further time
allowed to
enterers of
land to ac-
complish sur-
veys and per-
fect titles,

V. *And be it further enacted*, That all entries of lands since the eighth day of February, one thousand seven hundred and ninety-five, and up to the first day of January, one thousand seven hundred and ninety-eight, shall yet have until the first day of October next, to pay the purchase money for the entries respectively to the state; after which period all entries made since the eighth day of February, one thousand seven hundred and ninety-five, and up to the first day of January, one thousand seven hundred and ninety-eight, which shall not be paid for, shall be held and deemed lapsed entries; and shall be considered utterly void and of none effect; all lands so entered as aforesaid and not paid for being thenceforward held vacant and unappropriated, and subject to be entered by any person willing to secure them.

And to pay
the purchase
money.

VI. *And be it further enacted*, That the Secretary of State shall not issue any grant or grants on entries of lands hereafter to be made, except to such person or persons or their heirs, as made said entries.

To whom
the Secretary
may issue
grants.

C H A P . V .

An Act to amend an act passed in one thousand seven hundred and ninety-four, entitled "An act to amend an act passed at Fayetteville in the year one thousand seven hundred and ninety-three, entitled An act to carry into effect an act of Congress, entitled An act more effectually to provide for the national defence by establishing an uniform Militia throughout the United States, and to repeal an act passed at Fayetteville in the year one thousand seven hundred and ninety-six, entitled An act establishing a Militia in this state."

I. *BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That every commissioned officer of the Militia in this state, by appointment of the commanding officer of each regiment, shall meet twice in every year at the court-house of their respective counties; or at such other places as have been appointed by law for holding general-musters; exclusive of the meetings on the days previous to each general muster as heretofore, where they shall remain two days; during which time they shall be exercised by the Adjutant or commanding officer of the regiment four hours in each day at least, where they shall be instructed in all matters of field exercise and discipline, according to the system established by the Congress of the United States; and for each and every failure or neglect to appear at a muster of the officers as aforesaid, without being able to tender a sufficient excuse to the regimental court-martial to be held next after such muster, they shall forfeit and pay five pounds, to be recovered as other fines in the above mentioned act.

Commission-
ed officers to
meet twice a
year.

II. *Be it further enacted*, That for every failure of a private or non-commissioned officer at a company muster, he or they so failing to appear shall forfeit and pay the sum of ten shillings; for every regimental or battalion muster the sum of twenty shillings: And if such private or non-commissioned officer should fail or neglect to appear equipped in such manner as the laws in force have directed, they shall be ordered to appear by a Serjeant before the next court-martial to be held by the officers of the company; and if upon examination they shall be deemed in circumstances sufficient to procure the necessary arms as the laws direct, they shall forfeit and pay for every such neglect the sum of five shillings.

Penalty on
non-commis-
sioned offi-
cers and pri-
vates, &c.

III. *And be it further enacted*, That it shall be the duty of each Captain respectively, to attend his company muster as often as the law heretofore required, and cause his said company to remain under arms at least four hours on each and every muster day, and to teach them or cause them to be taught the manual exercise and necessary movements; and for every failure shall forfeit and pay the sum of two pounds, to be recovered and applied as other fines.

Captain's de-
ty, &c.

IV. *Be*

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Officers to
make dupli-
cate returns,
&c.

IV. *Be it further enacted*, That every officer commanding a regiment shall in future make a duplicate return in the same manner they are now by law required to make to the Adjutant-General, to the Inspector of their brigade; and it shall be the duty of the Brigade-Inspector to make a duplicate return descriptive of the several regiments of their respective brigades, to the Adjutant-General of the state, under the penalty of twenty-five pounds; and that it shall be the duty of the Brigade-Inspector to bring suits for the delinquency against the commanding officer of the regiment, in the court of the county where such delinquent officer resides.

To make an
annual return.

V. *Be it further enacted*, That each and every officer commanding a regiment shall make an annual return to the Brigadier-General of his brigade, at least two months before the annual meeting of the General Assembly, under the penalty of twenty-five pounds; and that each Brigadier-General shall make his return to the Major-General of his division one month thereafter; that the Major-General of each division shall make return thereof to the Adjutant-General, on or before the third day of the meeting of the General Assembly.

Fines on ca-
valry.

VI. *Be it further enacted*; That the fines of the cavalry shall be as follows: that is to say, at a regimental review each Captain who fails to attend or attends not properly equipped, shall forfeit and pay the sum of five pounds; each commissioned officer under the grade of a Captain, shall forfeit and pay the sum of four pounds; each non-commissioned officer the sum of three pounds; and each private forty shillings: and for every like failure and neglect at a company muster, every officer and private so failing or neglecting to appear, or appears not equipped according to law, shall forfeit and pay one half of the above sums, to be recovered as prescribed by the above mentioned law.

Colonel to
appoint an
Adjutant.
His duty.

Allowance.

VII. *Be it further enacted*, That each and every Colonel of a regiment of cavalry shall appoint one Adjutant to attend his regiment, whose duty it shall be to attend each company muster ordered by the Captain of the company previous to the regimental review by the Colonel of the regiment, and then discipline the different companies as directed by the commanding officer of the regiment, to whom he shall report previous to the review of said regiment, and shall be entitled to the same pay as a Brigade-Inspector when reviewing the regiments, and fifteen shillings per day for reviewing company musters, and paid in the same manner. And in case of said Adjutant failing to attend his duty as aforesaid, he shall forfeit and pay ten pounds, to be recovered as other fines.

7 Officers to
form a court-
martial.

VIII. *Be it further enacted*, That seven commissioned officers of cavalry shall form a court-martial; which court-martial when formed shall proceed as the laws direct.

Militia how
arranged.

IX. *Be it further enacted*, That out of the militia enrolled as by the said act directed, there shall be formed for each regiment one company of grenadiers and one company of light infantry or riflemen, who shall be arranged to the battalions; where there shall be more than one battalion in a regiment in such manner as the field officers of said regiment may direct.

Commanding
officer of a re-
giment, to
give notice in
case of his ab-
sence, &c.

X. *Be it further enacted*; That when any officer commanding a regiment, brigade or division, shall have occasion to be absent from his usual residence more than one month, it shall be the duty of such officer to notify the person entitled to the command of such regiment, brigade or division, of such his intended absence, and also the next superior officer in command, under the penalty of twenty-five pounds, to be recovered as other fines by the said act directed.

Allowance
to Brigade
Inspectors.
Repealing
clause.

XI. *Be it further enacted*; That in future Brigade-Inspectors while on actual service shall be entitled to twenty-five shillings per day, in full compensation for their services, any law to the contrary notwithstanding.

XII. *And be it further enacted*, That all acts, clauses and parts of acts that come within the meaning and purview of this act, are hereby repealed and made void.

C H A P. VI.

An Act to amend the fifth section of an act, chapter sixteenth, passed at Raleigh, on the second of November, one thousand seven hundred and ninety-five, providing among other things for the suppression of insurrections.

Duty of Jus-
tices of the
Peace.

I. *BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*; That when any two Justices of the Peace shall know, or have any reason to believe that any conspiracy hath taken place to promote insurrection among the slaves or people of colour, or that there may be danger of such measures taking place, it shall be their duty to issue an order to the Sheriff of the county, or his deputy, to summon the Magistrates of the county to meet at the court-house on some day fixed by said order, which it shall be the duty of the Sheriffs to obey; and if a majority of the Magistrates present, shall be of opinion that any such combination exists, or that there may be danger of an insurrection, they shall immediately by express, make a representation thereof to the Governor of the state, for the time being; and the Governor shall by warrant, order the expence of said express to be paid out of the Treasury.

Governor's
power.

II. *And be it further enacted*, That when the Governor shall receive such representation made as aforesaid, he shall be and he is hereby authorized to issue orders for a patrol of the

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the militia, with such instructions to the commanding officer or other officer of the county, as the exigency of the case may require.

III. *And be it further enacted*, That when application shall be made to the commanding officer of the county, or other officer of the militia, under the said act passed in the year one thousand seven hundred and ninety-five; it shall be the duty of such officer to report the same immediately to the Governor for the time being, who shall thereon take the necessary measures, by ordering out a sufficient body of the militia to preserve and ensure the public safety, who shall when ordered out as aforesaid, be governed by the before recited act, passed in the year one thousand seven hundred and ninety-five.

Commanding officer of the county, or other officer of militia to make report to the Governor, &c.

C H A P. VII.

An Act to establish a Court with jurisdiction competent to examine the validity of patents in certain cases, and giving jurisdiction to the Superior Courts of Law and Equity in other or like cases.

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Judges of the Superior Courts of Law and Courts of Equity, or any three of them, shall on the day which may happen to be twenty days before the commencement of their full circuit of the Superior Courts of Law, open and hold at the court-house in the city of Raleigh, a Court which shall be called a Court of Patents, and the said Court shall have cognizance and jurisdiction of all grants, patents and letters patent, issued, granted or made by the state of North-Carolina, or purporting to be made, issued or granted by or in the name or style of the state of North-Carolina.

Court to be holden at Raleigh.

II. *And be it further enacted*, That when it shall be deemed necessary on the part of the state, to examine the validity of any grant, patent or letters patent, issued or made as aforesaid against law, or obtained by false suggestions or fraud, and a record of such grant, patent or letters patent shall have been made in the office of the Secretary of State; it shall be the duty of the Attorney or Solicitor-General to cause authenticated copies of such grants; patents or letters patent, to be filed in the Clerk's office of the said Court, together with a petition or bill which shall briefly state the grounds whereon any grant; patent or letters patent should be repealed, cancelled or vacated; whereupon a scire facias shall issue to the grantee, patentee or persons, owner or claimant, requiring such patentee, grantee, owner or claimant, to shew cause why such grant or patent shall not be repealed and cancelled.

Duty of Attorney or Solicitor General.

Scire facias to issue to the grantee, &c.

III. *And be it further enacted*, That the writ of scire facias shall in such cases be considered the leading process; and all other process and proceedings thereon, shall be conformable to the general rules of practice in Courts of Law in cases of scire facias; except in cases where return shall be made that the scire facias cannot be made known to the party defendant, and then the Court shall order publication in some one or more of the Gazettes of this state, for such time as they may deem proper. And where affidavits shall be made that the party defendant lives out of the state, then the Court may in the first instance, order the scire facias to be published in one or more of the Gazettes, for such length of time as they may deem proper; and after such publication, the Court shall proceed as if such scire facias had been returned, made known in the usual form.

To be the leading process, &c.

IV. *And be it further enacted*, That when upon a verdict or demurrer, it shall appear to the said Court that such grant or patent was made against law, or obtained by fraud, surprise or upon untrue suggestions, it shall be lawful for the said Court to give judgment, that such grant or patent be repealed, vacated and made void; which judgment shall be entered at large on the records of said Court; and it shall be the duty of the plaintiff or petitioner to cause an authenticated copy thereof to be filed in the Secretary's office, where the same shall also be recorded in a book kept for that purpose; and the Secretary shall note in the margin of the first or original record of said grant or patent, the entry of such judgment, with a correct reference to the record in his office.

Court to give judgment, &c.

V. *And be it further enacted*, That the said Court shall appoint a Clerk of skill and probity, who shall before entering on the duties of his office of Clerk, take an oath of the same tenor and effect as that prescribed for the Clerks of the Superior Courts of Law; and shall also give bond with sufficient security, payable to the Governor for the time being, and his successors in office, in the sum of two thousand pounds, for the safe keeping of the papers and records to him entrusted, and for the faithful discharge of his duty; which bond shall be lodged by the Judges or some one of them, in the office of the Secretary of State, and may be put in suit by any person injured without an assignment from the Governor; and all costs shall be taxed and adjudged in these cases, as are taxed and adjudged in similar cases in the Superior Courts of Law, and execution shall be awarded for the same accordingly.

To appoint a Clerk, &c.

VI. *And be it further enacted*, That twenty-four jurors shall be summoned by the several Sheriffs in the district of Hillsborough; and it shall be the duty of the Justices holding the several County Courts composing the district of Hillsborough, to appoint the jurors aforesaid, in the following proportion, to wit: The county of Orange, three jurors; the county of Randolph, three; Chatham, three; Person, three; Caswell, three; Granville, three.

24 jurors to be summoned

How appointed.

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three; and Wake six, to attend the said Court of Patents, who shall each receive the sum of ten shillings per day, to be paid by the Treasurer on their certificate of attending, signed by the Clerk of said Court.

Allowance to Sheriff.

VII. *And be it further enacted*, That it shall be the duty of the Sheriff of the county of Wake to attend the said Court, by himself or his deputy, for which he shall be allowed the sum of twenty shillings per day, for every day he shall attend the same.

Term of holding court.

VIII. *And be it further enacted*, That the said Court so opened, shall be held from day to day during the term of ten days, or until the business ready for trial therein shall be tried and determined; and when the first day of the term of the said Court shall happen on Sunday, then in that case the said Court shall be opened and held on the day following.

Superior Courts to have cognizance of grants and patents.

IX. *And be it further enacted*, That from and after the passing of this act, the several Superior Courts of Law shall have cognizance and jurisdiction of all grants and patents, issued, granted or made since the fourth day of July, one thousand seven hundred and seventy-six, by the state of North-Carolina, for lands situated within the respective districts of such Superior Courts of Law.

Persons aggrieved how to obtain redress.

X. *And be it further enacted by the authority aforesaid*, That when any person or persons claiming title to lands in any of the counties in this state, under a grant or patent, from the King of Great-Britain, any of the Lords proprietors of North-Carolina, or from the state of North-Carolina, shall consider himself or themselves aggrieved by any grant or patent issued or made since the fourth day of July, one thousand seven hundred and seventy-six, to any other person against law, or obtained by false suggestions, surprise or fraud; such person so aggrieved, may file his petition in the Superior Court of Law for the district in which such land may lie, together with an authenticated copy of said grant or patent; which petition shall briefly state the grounds whereon such patent should be repealed and vacated; and thereupon a writ of scire facias shall issue to the grantee, patentee or the person, owner or claimant under such grant or patent, requiring such grantee, patentee or owner to shew cause why such grant or patent shall not be repealed and vacated.

Sup'r. courts to render judgment upon default.

XI. *And be it further enacted*, That all further proceedings thereon shall be conformable to the rules and restrictions prescribed for the Court of Patents: And the said several Superior Courts of Law, shall be and they are hereby respectively authorized to render judgment upon a default, verdict or demurrer, in as full and ample manner in all such cases, as the said Courts of Patents may or can do in like cases; any law to the contrary notwithstanding.

CHAP. VIII.

An Act to repeal the 21st and 22d sections of an act, entitled "An act for raising a public revenue for the support of government, and to repeal an act entitled An act to suppress excessive gaming."

WHEREAS it appears to this General Assembly, that so much of the above recited act as respects hawkers and pedlars, does not tend to the advantage or interest of the state at large;

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That all acts and clauses of acts, so far as respect hawkers and pedlars in this state, be and the same are hereby repealed and made void.

CHAP. IX.

An Act directing the sale of the Tower-Hill Lands, lying within the county of Lenoir.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That William White, Esq. be and he is hereby appointed Commissioner, for the purpose of selling the Tower-Hill Lands, in the county of Lenoir, formerly purchased by the province of North-Carolina for its use; from Arthur Dobbs, Esq. and the said Commissioner is hereby authorized, empowered and required to sell the said Lands at public vendue, first giving sixty days notice by advertisement in the Newbern Gazette, of the time, place and terms of said sale.

II. *Be it further enacted*, That the purchaser or purchasers of said Lands shall have a credit of one year for one-third of the purchase money, and a credit of two years for the remaining two-thirds; upon entering into bond with sufficient securities payable to the Governor or his successors in office, for the use of the state; and the said bond shall be lodged in the Treasury of this state: And the Governor is hereby authorized and required to convey said Lands so sold, to the purchaser thereof in fee simple. And that the said Commissioner shall be allowed the sum of two and an half per cent. commissions for performing the duties required by this act, to be paid by the Treasurer.

CHAP. X.

An Act to regulate the practice of Attornies in the several Courts of Law and Equity within this state, and to prevent abuses in the same.

WHEREAS the relation between Attorney and client or suitor in any of the Courts of Law or Equity within this state; should always be clearly known and admit of the easiest proof possible;

I. Be

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Attornies
claiming to
enter an ap-
pearance,
how to pro-
ceed.

Failing to
make appear
his employ-
ment, not to
be entitled
to enter an
appearance.

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That every Attorney in any of the Courts of Law and Equity in this state, who shall claim to enter an appearance for any person or persons whatsoever in any of the said Courts, shall produce and file in the Clerk's office of the Court in which he may so claim to enter an appearance, a power or authority to that effect signed by the person or persons or some one of them for whom he is about to enter an appearance; or by some person duly authorized in that behalf. *Provided nevertheless;* That where any Attorney in any of the said Courts shall claim to enter an appearance by virtue of a letter to him directed, whether such letter purport a particular or general employment; it shall be necessary for said Attorney to retain said letter in his own possession; and that on production of said letter setting forth such employment, be allowed to enter his appearance; and it shall be the duty of the Clerk to note to that effect upon the docket.

II. *And be it further enacted,* That in all cases where any Attorney shall fail to make appear his employment by his client or clients in any suit or suits in any of the said Courts, he shall not be entitled or allowed to enter an appearance to any suit or suits in said Courts, and the same proceedings shall be had thereon as in all cases where no appearance is entered, to law doth belong. *Provided nevertheless,* That this act shall not have effect until the first day of May next.

C H A P. XI.

An Act to amend an act entitled "An act to prevent abuses in taking up stray horses; cattle; dogs and sheep; and other things;" passed in the year one thousand seven hundred and seventy-seven; and to amend another act entitled "An act for making provision for the poor, and other purposes," passed at Newbern, in one thousand seven hundred and seventy-seven.

WHEREAS it is represented to this General Assembly, that in many counties in this state the rangers have received that proportion of the value of strays from the taker up, which according to the direction of the above recited act, the taker up should have paid to the County Treasurer; and there being no law to compel such rangers to account for and pay such sums over to the County Trustee: For remedy whereof,

I. *Be it enacted by the General Assembly of the state of North-Carolina; and it is hereby enacted by the authority of the same,* That wherever it can be made appear that any ranger or any person acting as deputy ranger, has received or shall hereafter receive any sums of money, which by virtue of the above recited act ought to have been paid by the taker up to the County Treasurer, it shall be the duty of the County Trustee; and he is hereby authorized to call on such ranger or person acting as deputy ranger, for the payment of such money; and on failure of any such person to settle and pay as herein described, he shall forfeit and pay the sum of one hundred pounds, and be further liable to the suit of the County Trustee for such sums as can be proved to have been paid by the taker up of strays; over and above the ranger's own fees.

Duty of
county Trus-
tee, &c.

II. *Be it further enacted,* That it shall be the duty of the several rangers within this state, to make return of the strays by him entered; to his County Court; which shall happen after the first day of February, in each and every year, under the penalty of ten pounds; to be sued for and recovered to the use of the county by the County Trustee, under the direction of the Court, before any Justice of the Peace; which return the Clerk of the Court shall copy and deliver the same to the County Trustee; to the end that he may proceed to the collection of the money due:

Rangers to
make return
of strays en-
tered, under
a penalty.

III. And whereas it does not appear that there is any provision made in the last recited act, to oblige the Wardens or Overseers of the Poor at the expiration of the time for which they were appointed, to settle with and pay over such sums of monies as may remain in their hands: For remedy whereof, *Be it enacted by the authority aforesaid,* That from and after the passing of this act, it shall be the duty of the persons who have been Wardens of the Poor, to call upon, settle with and pay over to their successors in office, all monies remaining in their hands unappropriated, which they may have received by virtue of their appointment as Wardens or Overseers of the Poor; and on failure thereof, each Warden shall forfeit and pay the penalty of fifty pounds, to be recovered by an action of the present Wardens, on motion to the Court of their County, first giving said delinquent Wardens ten days notice of their intention to make such motion:

Former war-
dens of the
poor to settle
with their
successors in
office.
Penalty.

C H A P. XII.

An Act to repeal part of the eleventh section of an act of the General Assembly, passed at Newbern, in November, in the year one thousand seven hundred and seventy-seven, entitled "An act to amend the staple of tobacco, and prevent frauds."

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That so much of the above recited section as makes the several counties therein mentioned liable for tobacco which may be consumed by fire; be and the same is hereby repealed and made void.

Act repeals
ed.

1798.

CHAP. XIII.

An Act to compel the owners of slaves to provide proper maintenance for such of their slaves as may be rendered incapable of service by reason of advancement in years or otherwise.

WHEREAS it is represented to this General Assembly, that slaves rendered incapable of serving their owners from advancement in years and other disability, are often neglected by such owners, and by them permitted to go at large and become a common nuisance:

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That the owner of every slave who shall be rendered incapable of service from advancement in years or other disability, shall provide and furnish such slave with the usual allowance of food, raiment and lodging furnished to slaves in the neighbourhood where such slave may be; and if any such slave shall be unprovided for by his or her owner as aforesaid, it shall and may be lawful for the Wardens of the Poor of the county where such slave may be, (if the owner of such slaves lives in such county) and they are hereby required to furnish such slave with the food, raiment and lodging aforesaid, and make a charge of the same to the owner of such slave; which sum so expended the said Wardens shall and may recover by warrant against such owner before any Justice of the Peace, if the sum so expended exceeds not the sum cognizable before a Justice by law; if so, then before any jurisdiction having cognizance of the same. *Provided always,* That the said Wardens shall not at the expence of the owner provide such slave as aforesaid until they or one of them shall first have given the owner of such slave notice to provide for and furnish such slave as is herein required, which notice shall be served upon such owner ten days previous to the Wardens' providing for such slave, and shall and may be issued by any one of said Wardens, upon information being given to him, and by him directed to the Sheriff or any Constable of the county, who are hereby required forthwith to execute the same, and make return of the same to the Warden who issued such notice, or to any one of them.

Wardens of the Poor to provide for slaves rendered incapable of service, in case of neglect of their owners.

Executors, &c. to provide, &c.

II. *And be it further enacted,* That if the owner of any such slave shall be dead, the executors or administrators of such deceased owner, shall provide for such slave in manner aforesaid, out of the estate of such deceased owner, and upon failure so to do, the Wardens aforesaid shall provide for such slave as aforesaid, and proceed against such executors or administrators in every respect as herein directed against the owner; or if any such slave shall be liable to the direction of any guardian, such guardian shall make the provision aforesaid for such slave out of the estate of his ward; and upon failure the Wardens aforesaid, shall provide for such slave as aforesaid, and proceed against such guardian in manner aforesaid; and such executors, administrators and guardians shall be allowed the expence of making such provision for such slave in their settlements.

To remove such slave to the owner, &c.

III. *And be it further enacted,* That when any such slave shall be in a county other than the county where the owner of such slave, or the executors or administrators of a deceased owner, or guardian reside, the Wardens aforesaid may remove such slave to the owner, or to the executors or administrators of a deceased owner, or to any guardian, at the expence of such owner, and at the expence of the executors, administrators and guardians in such cases.

2 Wardens to have power, &c.

IV. *And be it further enacted,* That any two of the Wardens of the Poor, shall have power and authority to carry the foregoing provisions into effect.

CHAP. XIV.

An Act to suspend certain parts of the acts of the General Assembly, passed in the years 1783 and 1784, relative to the office of Martin Armstrong, kept in Nashville, and to direct and limit the manner of issuing grants on military land warrants, and warrants issued from the late office of John Armstrong; and to appoint a Board of Commissioners for the further examination of frauds committed in the Secretary's-office.

Suspending clause.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That so much of an act of the General Assembly, passed in the year one thousand seven hundred and eighty-three, entitled "An act to amend an act for the relief of the officers and soldiers of the continental line, and for other purposes," as doth or may relate to the appointment of Colonel Martin Armstrong as Surveyor of the lands allotted and reserved for the officers and soldiers of the continental line of this state, under the said act, passed the thirteenth day of April, one thousand seven hundred and eighty-two, be and the same is hereby suspended as to all operation thereon, until the next session of the General Assembly.

Suspending clause.

II. *And be it further enacted,* That so much of an act passed in the year one thousand seven hundred and eighty-four, entitled "An act to amend an act entitled An act for the relief of the officers and soldiers of the continental line, and for other purposes," as relates to the office of Col. Martin Armstrong, being kept in the town of Nashville, in the county of Davidson; and so much of said act as is contained in the first and second sections thereof, be and the same is hereby suspended until the end of the next session of the General Assembly.

III. *And*

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III. *And be it further enacted*, That three Commissioners be appointed by joint ballot of both Houses of the General Assembly, and the said Commissioners when so appointed shall form a Board, and shall meet in the city of Raleigh on the first day of March, and shall continue to sit ninety days if the nature of the business shall in their judgment require the same, and the said Commissioners may adjourn from time to time as they shall think proper; until they let the full time of ninety days as aforesaid, if the business should require it.

IV. *And be it further enacted*, That the Board when so commenced, shall proceed further to investigate the frauds suggested to have been committed in the Secretary's office in obtaining land warrants for military services, and in obtaining warrants from the office lately kept by John Armitrong, and in obtaining grants on warrants in either of the above cases; and on such examination and discovery of any frauds committed, to report the special fact with the name of the person or persons concerned, to the Governor for the time being, who is directed to lay the same before the Attorney or Solicitor-General of the state, whose duty it shall be to take the necessary orders thereon, for the purpose of bringing to justice such persons as may have been guilty of any of the above frauds suggested to have been committed.

V. *And be it further enacted*, That the Board of Commissioners hereby established, and their Clerk to be by them appointed, shall receive the same compensation for their services as were allowed the late Board of Enquiry established by an act of the last General Assembly for the investigation of frauds suggested to have been committed in the Secretary's office.

VI. *And be it further enacted*, That it shall be the duty of the Secretary to lay before the Commissioners an accurate list of all grants issued on military land warrants, and on entries made in the office lately kept by John Armitrong, reciting in said list the number of the warrant or entry and the name of the grantee, for which labour and expence the Secretary shall be allowed by the next General Assembly.

VII. *And be it further enacted*, That the Secretary be and he is hereby directed not to issue any grant or grants upon any warrant obtained from entries made in the office, or the late John Armitrong, or upon any military warrant which in either case may be deemed fraudulent by the said Commissioners, or when in the opinion of the said Commissioners any proceedings relative to the obtaining the said warrants or in making the survey have been illegal.

VIII. *And be it further enacted*, That no grant shall be made or issued on any of the said warrants or entries until the Board of Commissioners shall meet, nor then upon any but such as shall appear to the said Commissioners to have been legally obtained, and properly surveyed and returned agreeably to law.

IX. *And be it further enacted*, That no warrant shall be issued by the Secretary until the General Assembly shall make provision for that purpose.

C H A P. XV.

An Act to repeal an act entitled "An act for classing of the Justices for the purpose of holding the County Courts of Pleas and Quarter-Sessions in this state."

I. *BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That the before recited act and every clause and part thereof, as far as relates to classing justices, is hereby repealed and made void.

C H A P. XVI.

An Act to authorise the surrender of certain lands in the county of Wilkes, and other purposes therein mentioned.

WHEREAS it appears to this General Assembly that Hilliar Rousseau and Company, have signified their wish to surrender a quantity of land in the county of Wilkes, which land the said Company have entered and have not obtained grants for the same;

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That whenever the said Hilliar Rousseau and Company, shall by themselves or their agents surrender to the state of North-Carolina, six hundred thousand acres of land in the county of Wilkes, and have the same recorded in the Secretary's office, then the Entry-taker of the county of Wilkes and his securities shall be exonerated from the payment of the purchase money due to the Treasury in consequence of such entries being so made.

II. *Be it further enacted*, That any entry which hath been made on the land so surrendered or which shall be hereafter made before the first day of April next, on the land aforesaid, shall be void. *Provided*, That this act shall not effect any such entries upon which grants have issued, or for which the purchase money has been already paid into the Treasury.

III. *Be it further enacted*, That it shall be the duty of the Entry-taker of the county of Wilkes, on the second day of April next, to open his office for the land so surrendered, for the reception of entries to be made on said lands; and after opening the office as aforesaid,

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fore said, any person wishing to enter the land aforesaid, shall produce to the Entry-taker aforesaid, a certificate setting forth his location of such entry; and where two or more persons shall locate the same piece of land, and offer their locations to the Entry-taker at the same time, then the said claimants shall cast lots, and the person who shall have the choice shall make the first entry.

Claimants
entering said
lands not ex-
onerated, &c.

IV. *And be it further enacted*, That nothing in this act shall exonerate the claimants who may enter the land aforesaid, from paying the purchase money into the Public Treasury agreeably to law.

C H A P. XVII.

An Act granting the Tuscarora nation of Indians two other Commissioners in addition to those now acting for them.

WHEREAS the Chief of the Tuscarora nation of Indians have made it appear to this General Assembly by petition, that it is indispensably necessary there should be two other Commissioners appointed for them in addition to those now acting, and have recommended as their choice William Williams, of Martin, and Samuel Johnston, jun. of Bertie county, for that purpose;

Commission-
ers appoint-
ed.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That the said William Williams, of Martin, and Samuel Johnston, jun. of Bertie county, are hereby vested with the same powers and authorities with the Commissioners before appointed for the Tuscarora nation of Indians; and from and after the passing of this act shall be considered as Commissioners to act for them in addition to those now acting; any law or custom to the contrary notwithstanding.

C H A P. XVIII.

An Act for regulating ordinaries, houses of entertainment, and retailers of spirituous liquors by the small measure.

Retailers to
sell by sealed
measures.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That all persons hereafter retailing liquors shall sell the same by sealed measures, or such other measures as shall at least contain the full quantity pretended to be sold.

Court to
grant licence
—the appli-
cant giving
bond.

II. *And be it further enacted*, That any person by applying to the Court of the county in which such person dwells, and praying a licence to keep an ordinary, may at the discretion of such Court be ordered to have a licence for the purpose aforesaid, unless it shall appear to the said Court that the person so applying is a person of gross immorality, or of such poor circumstances and slender credit, that they think him or her not able to comply with the intention of this act. And on granting such licence, the person who applies for the same shall produce one or more securities to the said Court to be by them approved, who shall before the licence be made out, join with him or her in a bond of the following tenor, to wit:

Form of the
bond requir-
ed.

KNOW all men by these presents, that we A. B. and C. D. are held and firmly bound to ———, Governor of the state of North-Carolina, in the sum of one hundred pounds current money of the state, to be paid to the said ——— or his successors in office; to which payment well and truly to be made, we bind ourselves and every of us, our and every of our heirs, executors and administrators, jointly and severally firmly by these presents. Sealed with our seals and dated the ——— day of ———.

THE CONDITION of the above obligation is such, that whereas the above bounden A. B. hath obtained a licence to keep an ordinary at ———; if therefore the said A. B. doth constantly find and provide in his or her said ordinary, good and wholesome diet and lodging for travellers, and stable, fodder, corn and pasturage for their horses, for and during the term of one year from the ——— day of ———, then this obligation to be void, otherwise to remain in full force; and in case of breach of or not complying with the condition of the said bond, it shall and may be lawful for any person in the name of the Governor, to sue for and recover the penalty of the said bond, and apply one half thereof to his or her own use, and the other half to the use of the state.

Licence to
continue in
force a year.

III. *And be it further enacted*, That when such bond shall have been given, the Clerk of the Court shall prepare a licence and sign the same, which licence shall continue in force one year and no longer; and the said Clerk shall receive the sum of eight shillings for his own use in full for his fees and furnishing a copy of the tavern rates; and every person obtaining such licence shall pay to the Sheriff of his or her county at the time of paying public taxes, a further sum of forty shillings, for the use of the state.

Ordinary
keepers not
to entertain
common sail-
ors & slaves.

IV. *And be it further enacted*, That if any ordinary keeper shall entertain servants or slaves against the will of their owners, or common sailors against the direction of the masters of vessels to which they belong, every ordinary keeper so offending, shall and may by order of the Justice before whom such offence shall be proved, be from thenceforth suspended and disabled from keeping an ordinary, as if he or she had never obtained a licence for that purpose, and shall be further subject to a fine of five pounds to the use of the party su-
ing

1798.

ing for the same, to be recovered before any Justice of the Peace, subject nevertheless to an appeal to court as in cases of other warrants, by either party who may think themselves aggrieved by the determination of such Justice.

V. *And be it further enacted*, That the Justices of each county shall once a year or oftener if necessary, at the next Court to be held after the first day of January, in each year, rate the prices of liquor, diet, lodging, fodder, corn, provender and pasturage to be taken by ordinary keepers in their respective counties; and every ordinary keeper shall within thirty days after such rates are settled, cause the same to be set up in the common entertaining room of such ordinary, and there kept until the rates are again altered; and on failing so to do, shall forfeit and pay the sum of twenty pounds to the use of the county wherein such offence may happen, to be recovered before any Justice of the Peace of the said county, subject nevertheless to an appeal as in other warrants.

Justices to rate the prices of liquors &c. once a year.

VI. *And be it further enacted*, That no ordinary keeper shall sell or credit liquors to any person to a greater amount than five pounds; unless the person so credited sign a book or note in the presence of one or more witnesses in acknowledgment of the said debt, under the penalty of losing the money so credited; and in any action brought for recovery of such debt, the general issue may be pleaded and this act given in evidence: *Provided nevertheless*, That nothing in this act contained shall be construed; deemed or taken to prohibit or restrain any person to sell by retail; brandy or other distilled spirits, the production of his own farm, by the quart or a greater quantity.

Ordinary keepers not to sell on credit, for more than 5l.

VII. *And be it further enacted*, That every person who intends to retail spirituous liquors without applying to the court for a licence to keep an ordinary house of entertainment agreeably to the directions of this act, shall annually at the time of giving in his or her list of taxable property signify the same to the Justice of the Peace authorised to take such list, whose duty it shall be to report the same to the Clerk of the court; designating the same. And all persons signifying that he or she intends to retail spirituous liquors by the small measure as aforesaid, shall pay the Sheriff of the county wherein he or she resides; the sum of forty-eight shillings for the use of the state; for one year.

Persons intending to retail spirituous liquors without applying for a licence, to signify the same to a Justice.

VIII. *And be it further enacted*, That any person obtaining liberty to retail spirituous liquors as aforesaid, and shall sell to slaves without a permit from his or her owner, or shall keep a disorderly house, he or she so offending on conviction thereof before any Justice of the Peace, shall forfeit and pay the sum of five pounds for each and every offence, to be recovered before a Justice of the Peace, one half to the use of the person suing for the same; and the other half to the use of the county where such offence was committed.

Not to sell to slaves without a permit from their owners.

IX. *And be it further enacted*, That any person undertaking to sell spirituous liquors by the small measure, or by any other ways or means where the quantity is less than a quart, and receive pay for the same; not having a licence or listed himself as aforesaid, shall on conviction thereof forfeit and pay forty-eight shillings for the use of the state; to be recovered before a Justice of the Peace, and be further liable to presentment or indictment for the same offence.

Persons retailing without licence, &c. subject to be indicted.

X. *And be it further enacted*, That all acts and parts of acts coming within the purview of this act, be repealed and made void.

Repealing clause.

C H A P. XIX.

An Act for the prevention of vice and immorality by suppressing excessive gaming.

WHEREAS the practice of gaming is productive of idleness, dissipation and depravity of morals;

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That all monies exhibited for the purpose of alluring persons to bet against, at any game; and all monies actually staked or betted whatsoever; and all species of other property, shall be liable to be seized by any Justice or Justices of the Peace, or by any other person or persons under a warrant from a Justice of the Peace, whosoever the same may be found; and all such monies so seized shall be accounted for and paid by the person or persons making the seizure, to the Wardens of the Poor of the county wherein the seizure shall be made, and applied by the said Wardens in aid of the poor tax, deducting thereout fifty per centum upon all monies so seized, to be paid to the person or persons making the said seizure.

Monies staked liable to be seized.

II. *And be it further enacted*, That all gaming tables of what name or denomination they shall be called, are hereby totally forbidden to be used in this state by any person or persons whatever: And all Justices of the Peace, Commissioners of Police, Sheriffs or Constables, are hereby authorised and directed in case of information made to them; to seize and destroy the same, by every mean in their power.

Gaming tables forbidden.

III. *And be it further enacted*, That any person whatsoever who shall suffer the game of Billiards, or any of the games played at the tables commonly called A B C, E O, or Faro Bank, or any other gaming table or bank of the same or like kind, under any denomination whatever, to be played in his or her house, or in a house of which he or she hath at the time the use or possession, shall for every such offence, forfeit and pay the sum

Persons suffering them to be used in their houses, subject to a fine of 100l.

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of one hundred pounds, to be recovered in any court of record, by any person suing for the same.

Opposing their destruc-
tion or the
seizure of
monies sta-
ked, liable to
a fine of 500l.
To be given
in charge to
the grand-
jury.

IV. *And be it further enacted,* That any person who shall oppose the destruction of any of said tables, or the seizure of any such monies as above described, by any person or persons so authorized to make it, shall be liable to a penalty of five hundred pounds, to be recovered in any court of record, for the use of the state, and shall be further liable to the action of any party grieved by such opposition; and any person or persons who shall take or carry away any part of the said money after the said seizure shall be declared, shall be guilty of a misdemeanor, and liable to be indicted or presented therefor, and on conviction fined at the discretion of the court trying the same.

V. *And be it further enacted,* That it shall be the duty of the Judges of the Superior Courts and Justices of the County Courts, to give this act in charge to the Grand-Jury, at the time when such Grand-Jury shall be sworn.

When writs
issue, Sheriff
or other offi-
cer to take
bond, &c.

VI. *And be it further enacted,* That where any writ shall issue from any court whereby any Sheriff or other officer shall be commanded to take the body of any person or persons to answer to any suit brought for recovery of any forfeiture or forfeitures arising under any penal statute of this state, such Sheriff or officer shall take bond with two sufficient securities, in double the sum for which such person or persons shall be held in arrest, and shall return such bond with the writ; and in case any Sheriff shall fail or neglect to take such bail, or the bail be insufficient on exception taken and entered the same term to which such process shall be returnable, the Sheriff or other officer having notice thereof, he shall be deemed and stand as special bail: And the said bail bond shall be endorsed by said officer in the mode prescribed by law for assignment of bail bonds: And the said bail shall be subject to the same rules, and liable in the same manner as bail taken in civil cases; any law, usage or custom to the contrary notwithstanding. *Provided nevertheless,* That this act as it may respect Billiard Tables, shall not have effect until the first day of April next. *And provided also,* That this act shall not extend to or preclude horse-racing.

Provisoes.

C H A P. XX.

An Act to authorize and direct the Commissioner of Arrears to sell the lot number eighty-two in the town of Hillsborough.

WHEREAS the lot number eighty-two in the town of Hillsborough is the property of the state, and the house thereon in a ruinous situation;

Commission-
er of Arrears
to make sale
&c.

I. *Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same,* That Henry Sheppard, Commissioner of Arrears for the districts of Hillsborough and Fayetteville, be and he is hereby authorized and required to sell at public sale to the highest bidder, on twelve months credit at the market-house in Hillsborough, on some day of the Superior Court which shall be held for the said district in April next, the lot number eighty-two with the improvements, he the said Henry Sheppard advertising the same in the Halifax paper, and at the court-house in Hillsborough, at least forty days previous to the sale. And the said Henry Sheppard is hereby required to take bond with sufficient security, payable to the Governor for the time being, and his successors, for the use of the state; which bond shall be lodged with the Treasurer within sixty days after such sale.

To execute a
deed in fee-
simple.

II. *And be it further enacted,* That the said Commissioner of Arrears shall as soon as the bond is executed for the purchase money as aforesaid, make and execute a deed in fee simple for said lot and improvement to the purchaser thereof.

Allowance.

III. *And be it further enacted,* That the said Commissioner for his trouble and expence, shall be allowed five per centum on the amount of the sale of said lot; which allowance shall be made him in the settlement of his public accounts as Collector of arrearages.

C H A P. XXI.

An Act requiring the Secretary of State to enter into bond for the faithful performance of his duty.

Governor to
receive bond
from the Se-
cretary.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That the Governor for the time being, be and he is hereby required within one month after the ratification of this act, to demand and receive from the present Secretary of State a bond and sufficient security in the sum of ten thousand pounds current money of the state; which bond shall be taken in the name of, and payable to the Governor for the time being, and his successors in office; which bond shall be as follows, to wit:

Form of the
bond requi-
red.

KNOW all men by these presents, that we A. B. C. and D. are held and firmly bound unto _____, Governor of the state of North-Carolina, and his successors in office, in the sum of _____ current money of the state; to which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated the _____ day of _____.

THE CONDITION of the above obligation is such, that whereas the above bounden A. is constituted and appointed Secretary of State for the state of North-Carolina; if
therefore

Deposited in
the Treasur-
er's office.

Deposited in
the Treasur-
er's office.

Deposited in
the Treasur-
er's office.

Sec'y. to enter into bond before he enters on the duty of his office, &c.

Persons injured may bring suit:

Persons injured may bring suit:

C H A P. XXII:

An Act to amend an act passed in the year one thousand seven hundred and ninety, entitled "An act empowering the County Courts of Pleas and Quarter-Sessions to direct the Secretary of State to correct certain patents or grants therein described, when there shall have been error in the Surveyor in making returns, or in the Secretary in issuing the same."

WHEREAS many inconveniences are found to arise from so large a number as a majority of the acting Justices of a county being required to be present at the trial of petitions originating under the before recited act, and the greatest injustice frequently done the petitioners from their being obliged in all cases to pay the costs, though there may be opposition: For remedy whereof,

1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same; That from and after the ratification of this act, seven, or a majority of the acting Justices of the Peace in any county of this state, who shall not be connected with the contending parties either by affinity or consanguinity, shall be considered a sufficient number to constitute a quorum; to hear and determine on all petitions authorized by the before recited act.

11. And whereas the act before referred to doth not provide that titles, deeds and other instruments made and executed for the conveyance of lands by the late lords proprietors of North-Carolina, or their proper agents, or by Henry E. McCulloch, Arthur Dobbs, Murry and Company, or their agents, shall be amended when error may have happened: For remedy whereof, *Be it enacted*, That from and after the passing of this act it shall and may be lawful for the several County Courts within this state, on the representation of the original grantees or their legal representatives or assigns, to take full and complete cognizance of all such titles, deeds or other conveyances for lands lying within their respective counties, made and executed by any of the aforesaid persons: and if it appeareth to them that er-

made and executed by any of the aforesaid persons; and if it appeareth to them that error hath been committed either by the Surveyor in platting said lands, or by the grantor in executing said titles, they shall be empowered through their Chairman to correct said error or mistake; which said amendment when made by the Chairman, shall be considered good and valid, and attested and countersigned by the Clerk of the Court, and a full and complete copy thereof entered on the records and ordered to be registered. *Provided always,* That the requisites incumbent on the petitioner as set forth in the before recited act previous to hearing of his petition, shall be strictly attended to as to all petitions originating under or by the authority of this act, except as to the number of Justices necessary to hear the same.

III. *And be it further enacted*, That in all determinations hereafter made on such petitions where any person or persons may have made or shall make him or themselves a party or parties to prevent the prayer of the petitioner or petitioners being granted, the party failing or cast shall be adjudged to pay all legal costs and charges, which are hereby declared to be the same as in all other civil suits originating in said County Courts, where the boundaries of land do not come in question. Party failing to pay costs.

C H A P. XXIII.

An Act to prevent suits from abating by the marriage of Feme sole plaintiffs.
WHEREAS according to the principles of the common law as it now stands, suits brought by Feme soles abate by marriage of the plaintiff, whereby they are often delayed and sometimes deprived of their just rights: For remedy whereof,

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That no suit now pending, or which may hereafter be brought in any Court of Law or Equity shall abate on account of the plaintiff's marriage; and it shall be lawful for the husband of any woman having a suit depending to make himself a party thereto, on motion at the next or succeeding term after his marriage; and the

Suits not to
abate.

suit.

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Husband liable for costs of suit.

suit shall afterwards be carried on as if he and his wife had been originally plaintiffs; any law, usage or custom to the contrary notwithstanding.

11. *And be it further enacted*, That when application is made by any person who has married a Feme sole plaintiff, to be plaintiff in the prosecution of any suit brought by his wife before marriage, it shall be the duty of the Clerk of said Court to take bond and security for the payment of the costs in like manner and form as is usual in other cases; and in case of failure to prosecute with effect, the said husband and his securities shall be held and deemed liable for the payment of costs, in the same manner as other plaintiffs who have failed to prosecute, and shall be subjected to the same writs of execution; and upon said bond being executed, the security originally given for the prosecution of the suit shall be discharged from any liability thereon.

CHAP. XXIV.

An Act to amend the second section of an act passed at Fayetteville, in the year one thousand seven hundred and eighty-six, entitled "An act to compel certain officers therein mentioned to publish the application of public monies and allowances for insolvents;"

Duty of Clerks.

1. *BE it enacted by the General Assembly of the state of North-Carolina; and it is hereby enacted by the authority of the same*, That from and after the passing of this act, it shall be the duty of the several Clerks in this state, in their statement of taxable property required by the second section of the before recited act, to be polled up in their respective court-houses, to add to each person's taxable property the amount of the tax for which he, she or they may be liable; any law, usage or custom to the contrary notwithstanding.

CHAP. XXV.

An Act giving further time for the registering grants, proving deeds and mesne conveyances which have not been proved and registered within the time heretofore appointed by law.

Time allowed for registering grants &c.

1. *BE it enacted by the General Assembly of the state of North-Carolina; and it is hereby enacted by the authority of the same*, That all grants for lands which have not been registered within the time heretofore appointed by law, shall and may within two years after the passing of this act be admitted to registration, and shall be as good and valid as if they had been registered within the time heretofore allowed by law;

For proving and acknowledging deeds, &c.

11. *And be it further enacted by the authority aforesaid*, That all deeds and mesne conveyances of lands, tenements and hereditaments not already proved, acknowledged and registered, shall and may within two years after the passing of this act be acknowledged by the grantor or grantors, his or their agents or attorneys, or be proved agreeably to the laws heretofore in force, or being so acknowledged or proved be delivered to the Registers of the counties where such lands, tenements or hereditaments are respectively situated; and all deeds and mesne conveyances whatsoever, which shall be acknowledged, or proved and registered according to the direction of this act, shall be good and valid, and take effect as fully to the use and benefit of the grantees, their heirs or assigns respectively; as if such deeds and mesne conveyances had been acknowledged, proved and registered agreeably to the directions of any laws heretofore made.

CHAP. XXVI.

An Act to amend an act entitled "An act to empower the several County Courts of Pleas and Quarter-Sessions of the several counties in this state, to order the laying out public roads, and to establish and settle ferries, and to appoint where bridges shall be built, and to clear inland rivers and creeks."

WHEREAS by the before recited act power is vested in the County Courts to erect public roads, ferries, bridges, &c. and whereas it frequently happens that persons settle in remote places, where there is no public road leading to and no way to get to and from, other than by crossing other persons lands, and it is not necessary to establish a public road, by which means some persons have it in their power to prevent others from having a cart-way to and from their own lands;

Court to order the laying off cart-ways.

1. *Be it enacted by the General Assembly of the state of North-Carolina; and it is hereby enacted by the authority of the same*, That from and after the passing of this act, on the petition of any person or persons to the County Court for a cart or waggon way to be kept open across another person's land; unless such petitioner shall make it appear to the satisfaction of the court that the adverse party has had twenty days notice of such his intention; it shall be the duty of such court to cause such petition to be filed in the Clerk's-office until the next succeeding court; at which court the Justices present shall hear the allegations set forth by the petitioner, and if sufficient reason be shewn, it shall be the duty of such court to pass an order directing the Sheriff to summon a jury of twelve freeholders, to go on the premises and view the same; and lay off a cart-way not less than fourteen feet wide and assess the damages the owner of such land may sustain thereby; and such damages with the expence of making the road shall be paid by the petitioner, and shall be kept open for the free passage of persons on horse-back, carts and waggons. *Provided nevertheless*, That any person across whose land such cart-way may pass, shall at the discretion of such proprietor be at liberty to erect gates or bars across the same.

Proviso.

11. *And*

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II. *And be it further enacted*, That any person that shall leave open, break down, or otherwise destroy any gate or bars that may be erected across any cart-way laid out as aforesaid, shall on conviction thereof forfeit and pay twenty shillings for such offence, for the use of the person suing for the same, to be recovered before any Justice of the Peace for the county where the offence may be committed. Fine for leaving open or destroying gates or bars,

III. *And be it further enacted*, That when any cart-way laid off as aforesaid for and at the request of a petitioner or petitioners for the use as aforesaid, shall be free for the passage of any person or persons to pass. *Provided*, That this act shall not be construed so as to exempt any such petitioner or petitioners from working on the public roads to which the court may have directed. Cart-ways to be free for the passage of persons.

C H A P. XXVII.

An Act to prescribe the residence of the Governor of this State.

I. *BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That his Excellency the Governor of this State, and every Governor that may hereafter be appointed, shall make the city of Raleigh their place of common residence during the time they continue in office; any law to the contrary notwithstanding. *Provided*, That the Governor as often as it shall be necessary for him to be absent from the city of Raleigh for any time longer than ten days, shall cause to be notified in one or more of the newspapers of the most general and extensive circulation in the State, the time of his intended absence, the place of his destination; and that the Governor's Secretary shall constantly reside in the city of Raleigh during his absence. Governor to reside at Raleigh.
Provido,

C H A P. XXVIII.

An Act to explain and correct an act entitled "An act to appoint Commissioners to advertise for sale the Palace and other buildings thereunto belonging in the town of Newbern, for the use of the State."

WHEREAS it appears to this General Assembly that by an error in transcribing the above recited act, in the third section thereof, lot number twenty together with the front thereof, in the town of Newbern, is vested in Richard Dobbs Spaight, Esquire, contrary to the intention of the Legislature, which was to have confirmed to the said Richard Dobbs Spaight, lot number twenty-eight and front: For remedy whereof,

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That so much of said before recited act as confirms lot number twenty with its front, in Newbern, to Richard Dobbs Spaight, be and the same is hereby repealed and made void. Repealing clause.

II. *And be it further enacted*, That lot number twenty-eight with the front thereof, be and the same is hereby confirmed to the said Richard Dobbs Spaight, agreeably to the intention of the above recited act.

C H A P. XXIX.

An Act to appoint Commissioners to sell the Palace lots in the town of Newbern, for the use of the State.

WHEREAS the Palace in Newbern has been destroyed by fire; and the lots appertaining thereto can no longer be of use to the State;

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That John Council Bryan, William Johnston, Lewis Bryan and James Carney, be and they are hereby appointed Commissioners for the purpose of selling the said lots and the bricks remaining of the Palace; and the said Commissioners or a majority of them are hereby required to give public notice in the State and Newbern Gazettes of the time and place of said sale, at least sixty days previous thereto. And the sale of the said lots and bricks shall begin on the third or fourth day of the next Superior Court, to be held for Newbern district; and continue from day to day till ended, and shall be on a credit of one and two years, the purchasers giving bond with sufficient security for the payment of one-third of the purchase money at the expiration of one year, and the remaining two-thirds at the end of two years; and the said bonds shall be payable to the Governor for the time being, and shall be lodged in the Treasurer's-office; and the said Commissioners are hereby authorised, empowered and required to grant and convey the said lots to the purchasers thereof in fee-simple. Commissioners appointed to sell the Palace lots in Newbern.

II. And whereas dividing the said lots into smaller lots would be more convenient to purchasers, and tend to enhance the value to the public, *Be it therefore enacted*, That the said Commissioners are hereby required and empowered to lay off a street through said square, by continuing George-street through the same to Front-street, and that the lots on each side said street when continued, shall be divided agreeably to the plan adopted by this General Assembly, which said original plan being filed in the Secretary's-office, a copy thereof shall be delivered to the Commissioners of said town; to be by them kept for the information of those concerned.

III. And whereas the said street when continued, will cross lot number twenty-eight and

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Commissioners allow-
ance.

and lot number one hundred and ninety-four, the property of Richard Dobbs Spaight ; and the said Richard D. Spaight having signified his willingness to relinquish all that part of said lots which may fall within the lines of said street ; *Be it therefore enacted*, That the said Commissioners are hereby required to receive from said Richard Dobbs Spaight, his deed of release for all that part of lot number twenty-eight and lot number one hundred and ninety-four, which may come within the lines of George-street when continued ; and the said Commissioners are also authorized and empowered to convey to the said Richard D. Spaight, such part of lot number one hundred and ninety-six which may be on the eastern side of George-street and joining lot number one hundred and ninety-four, the property of the said Richard D. Spaight.

IV. *And be it further enacted*, That the said Commissioners be allowed two and an half per centum commissions on the amount of the said sale, to be paid by the Treasurer.

C H A P. XXX.

An Act directing the duty of Sheriffs in certain cases, as far as respects the collection of the county and poor tax.

Sheriffs to
enter into
bond.

WHEREAS it is represented to this General Assembly, that at present there is no law to compel the Sheriffs or any other person to give bond and sufficient security for the collection of the taxes aforesaid ; for the want of which, the county and poor are deprived of the relief which they should have ;

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, it shall be the duty of each and every Sheriff within this state, who may hereafter be appointed, to enter into bond with sufficient security, payable to the Chairman of the Court of which he may be appointed, for the time being, and his successors in office, for the due collection and accounting for the county and poor tax, as well as the public tax, which said bonds shall be executed previous to their entering on the execution of their office.

Commissions.

II. *And be it further enacted*, That the Sheriffs aforesaid shall be entitled to the same commissions, subject to the same rules, regulations and restrictions in respect to their settlement of the county and poor tax with the county Treasurer and county Wardens, as they are in their settlements of the public tax with the Treasurer of this state ; and shall return a list upon oath, of all monies by them received on property not contained within the Clerks' lists, and account for the same ; any law to the contrary notwithstanding.

C H A P. XXXI.

An Act to amend an act entitled " Feme covert how to pass lands."

Attornies of
Feme coverts
to convey
lands.

WHEREAS doubts are entertained whether under the before recited act, or any other existing law of this state, Feme coverts residing without this state, have any right to make a power of attorney to any person to convey for her the right, title and interest which such Feme covert may have in lands, tenements and hereditaments within this state ;

Proviso.

I. *Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, That all conveyances which may hereafter be made by any person under a power of attorney from any Feme covert residing without the state, by her freely executed jointly with her husband, shall be held good and valid to all intents and purposes to pass the estate and title which such Feme covert may have in such lands, tenements and hereditaments within this state, as are mentioned or included within such power of attorney, whether in fee-simple, right of dower, or otherwise. *Provided nevertheless*, That every such power of attorney shall be separately acknowledged by the Feme covert executing the same, and duly proved as by the laws now existing, deeds of conveyance by Feme coverts are required to be acknowledged and proved.

C H A P. XXXII.

An Act more fully to ascertain the duties of the Public Printer.

Public print-
ing to be
done at Ra-
leigh.

I. **B**E it enacted by the General Assembly of the state of North-Carolina; and it is hereby enacted by the authority of the same, That from and after the first day of June next, the Public Printer shall on or before the first day of each session of Assembly, have at Raleigh, a printing press and apparatus in readiness to perform the duties heretofore enjoined by law, and such other printing business as the General Assembly shall from time to time require ; and such printing press and apparatus in readiness as aforesaid, and for the purposes aforesaid, there shall remain during the sitting of the Assembly, and after until the printing contemplated by law for the use of the members of Assembly, and until the printing of the laws and journals shall be completed. And it shall be the duty of the Secretary of State to deliver to such Public Printer, complete copies of all the laws, and of the Clerks of each House to deliver to such Public Printer complete copies of the journals of each House, within twenty days after the rise of each General Assembly.

Secretary of
State and
Clerks' duty.Public acts
furnished
daily.

II. *And be it further enacted*, That it shall be the further duty of the Public Printer to furnish each member of the General Assembly with a copy daily of such public acts as may pass during the sitting of each General Assembly.

III. *And*

1798.

III. *And be it further enacted*, That the Public Printer shall within ninety days after the rise of each session of the General Assembly, have all the laws and journals of said session printed and ready to be delivered as heretofore made his duty by law.

Laws and journals to be printed in 90 days.

C H A P. XXXIII.

An Act to advance the administration of justice in the Superior Courts.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That in addition to the four Judges of the Superior Courts of Law and Equity in this state, one other person of sound legal knowledge shall be appointed by joint ballot of both Houses of this General Assembly, a Judge of the said Superior Courts, who shall hold his office under the same rules, regulations and restrictions, entitled to the same privileges, powers and authority as hath heretofore been exercised, possessed and enjoyed by the Judges of the said Superior Courts.

One other Judge to be appointed.

II. And whereas it is just and right that the Judges of the Superior Courts as aforesaid, should be paid in proportion to the advantages arising from their service and attention; *Be it therefore further enacted*, That when it shall so happen that any of the Judges of the Superior Courts as aforesaid, be rendered incapable to attend in discharge of the duties of their office for six months successively, it shall be the duty of the Treasurer, and he is hereby directed to withhold such Judge's pay, and every part thereof, that might be due after such disability, until such Judge resume the duties of his office, or until otherwise directed by the General Assembly.

Judges incapable of serving for six months, not to receive their salary.

C H A P. XXXIV.

An Act to revive and continue in force an act of the General Assembly, passed at Newbern, in the year one thousand seven hundred and ninety-four, entitled "An act to cede to the United States of America, certain lands upon the conditions therein mentioned."

WHEREAS the time limited by the said act for erecting fortifications on the lands thereby ceded, hath expired;

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That so much of the said act as limits the time for erecting fortifications on the land thereby ceded, to the term of three years, be and the same is hereby extended the further time of five years from the passing of this act; any thing in the before recited act to the contrary notwithstanding.

Act extended.

C H A P. XXXV.

An Act to amend the act establishing an University in this state.

WHEREAS the Trustees of the University of North-Carolina, have prayed this General Assembly, to amend their act of incorporation, so as to dispense with the presence of the Treasurer at their meetings, and to ensure a more punctual attendance of the Trustees;

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That at the meetings of the Trustees of the said University, hereafter to be held, the presence of the Treasurer of the Board shall in no case be necessary to constitute a Board for business.

Presence of Treasurer of the board not necessary.

II. *And be it further enacted by the authority aforesaid*, That the Trustees of the said University may fill vacancies in their Body, with such persons as in their judgment will faithfully discharge the duties of the trust reposed in them, without regard to the place of residence of the person so chosen.

Trustees may fill vacancies.

C H A P. XXXVI.

An Act to empower the County Courts to appoint Sheriffs in certain cases.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That whenever the office of Sheriff in any county of this state shall become vacant by the appointment and acceptance of any Sheriff, of any office or appointment under the authority of the United States, that then and in such case, it shall and may be lawful for the Court of such county at the next succeeding term, to appoint a fit and proper person to hold and exercise said office for such county, until the next annual election. *Provided*, That such election shall be held and conducted, and the officer so appointed be under the same rules, regulations and restrictions, and invested with the same powers, and entitled to the same privileges and emoluments as Sheriffs appointed in the common and accustomed mode.

In case of vacancy, courts to appoint a person to act as Sheriff until the annual election.

C H A P. XXXVII.

An Act authorizing the registration of powers of attorney, and directing the mode in which corporations may hereafter convey lands.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That when any power of attorney authorizing the conveyance of lands, is or shall be acknowledged by the person who has executed the same, or proved by one or more witnesses on oath, before any Judge of the Superior Court, the same shall be acknowledged, and may be

Powers of attorney when acknowledged, may be

E

Court, months.

1798.

Court to order the registration of powers of attorney, the requisites being complied with.

Court, or in any Court of Pleas and Quarter-Sessions of the county where the land lies, or the power was executed, such power of attorney so proved or acknowledged may be registered by the public Register of the county where the land lies, at any time within twelve months after the passing of this act or the date of the said deed.

Powers of attorney to be recorded and registered.

II. And whereas persons residing in distant states frequently authorize persons to dispose of lands in this state, and it may be difficult to have the power of attorney proved or acknowledged as aforesaid; *Be it therefore enacted*, That any power of attorney to convey real estate, executed by any person residing out of this state, which is or may be proved or acknowledged before the Chief Justice or any Judge of the courts of supreme jurisdiction in the state where such person resides, or in a county court thereof, and duly certified by the Clerk of the court, or a Notary or Tabellian Public, shall upon being exhibited to the Court of Pleas and Quarter-Sessions of the county where such land lies, or one of the Judges of the Superior Court, be ordered to be registered, and shall be registered in the same manner as if such power had been proved or acknowledged in open court of the county where the land lies.

Corporations to convey lands.

III. And whereas monies are frequently paid and accounts settled with the attornies in fact of persons residing in other states and beyond sea, and no means have been provided to preserve the evidence of the power of attorney under which such agents act; *Be it further enacted*, That every power of attorney, the execution of which is or shall be duly certified under the seal of the Notary or Tabellian Public, or the seal of any Mayor or presiding Magistrate of any city, or Clerk of a court, or duly proved in open court by the oath of a subscribing witness, such power of attorney so certified and attested, upon being exhibited to any of the Judges of the Superior Courts, or in any Court of Pleas and Quarter-Sessions, shall be recorded, and thereupon the Register shall register the same, and the Clerk for making such order and record, and the Register for such registration, shall receive the same fees as the law has allowed in like cases.

Proviso.

IV. And whereas difficulties have arisen respecting the manner in which corporations convey lands; *Be it further enacted*, That from and after the passing of this act it shall and may be lawful for any corporation to convey lands by deed of bargain and sale, sealed with the common seal of said corporation, and signed by the President or presiding member, or Trustee of said corporation and two members, or Trustees thereof, in the presence of two witnesses; and such deed when proved in the usual form prescribed for other conveyances for lands, shall be registered in the Register's office of the county where the land lies, in like manner. *Provided nevertheless*, That nothing in this act contained shall extend or be construed to extend to the admission of any power of attorney to registry which is signed or executed by a Feme covert, unless she has acknowledged in the manner required by law for her passing lands separately and apart from her husband, that she signed the said power freely, voluntarily and without fear or the compulsion of her said husband or any other person whatever.

C H A P. XXXVIII.

An Act to ascertain the Pilotage over Old-Topfai Inlet, and to amend an act entitled "An act to ascertain the Pilotage which shall be allowed the Pilots at Occacock Inlet, and the several Sounds and Inlets to which vessels go, which come in over said Inlet."

Pilots fees for bringing vessels in over Old Top-fail.

T. B *Enacted by the authority of the same*, That from and after the passing of this act all Pilots legally authorized to take charge of vessels to bring in over Old-Topfai Inlet, shall be entitled to demand and receive from the commander of such vessel as they may have had charge of, the same sum for the pilotage of such vessel from the outside of the Inlet and into Bogue-Road or Shackelford's-Road at the option of the commander, as is established by a law passed in the year one thousand seven hundred and ninety-four, for the pilotage of vessels of a similar size from the outside of Occacock Bar into Beacon Island Road or Wallace's Channel.

For bringing vessels in and carrying them out over Occacock.

II. *And be it further enacted by the authority aforesaid*, That in future the following pilotage shall be allowed and paid the pilots authorized to take charge of vessels to bring over Occacock Bar and into Wallace's Channel or Beacon Island Road, at the option of the commander, viz. For any vessel drawing less than eight feet water, five silver dollars; and for all vessels drawing eight feet water and less than ten feet, six-eighths of a dollar per foot; and for all vessels drawing ten feet water and upwards, one silver dollar per foot, for bringing such vessel from the outside of said Bar, and up into Wallace's Channel or Beacon Island Road, at the option of the commander of such vessel; and the same pilotage out as in: and that in all other respects the pilotage shall remain the same as it is established by the above recited act, passed in the year one thousand seven hundred and ninety-four, hereby repealing only so much thereof as comes within the purview and meaning of this act.

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C H A P . XXXIX.

An Act to prevent the obstruction of the navigation of Currituck Inlet.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the ratification of this act, it shall not be lawful for any vessel or vessels passing in or out of said Inlet, to cast or throw overboard any kind or ballast whatsoever, into the channels of said Inlet, from the entrance thereof to Powell's-point, or to Merchants' landing on the north-west river ; but that all and every vessel or vessels which shall pass or intend to pass through either of the said channels, having ballast on board and which it shall become necessary to discharge, shall be compelled to land the same either on Bett's marsh, Avery's marsh, the Narrows marsh, or at some convenient place on land above high water mark.

Where ves-
sels are to
land their
ballast.

II. *And be it further enacted,* That every master, shipper or owner of any vessel or ves- Penalty for
sels, who shall hereafter cast overboard or discharge out of his or their said vessel, any casting bal-
kind of ballast whatsoever, into either of the said channels leading from said Inlet to Pow- last into the
el's-point or Merchants' landing aforesaid, or shall land the same at any place within the channels, &c.
limits of the said channels, except at land above high water mark, or on the marshes a-
foresaid, shall forfeit and pay for each and every offence the sum of ten pounds current
money, to be recovered before any Justice of the Peace for the county of Currituck, one
half to the use of the person who shall prosecute for the same, and the other half to the use
of the state ; and in case the said master, shipper or owner shall neglect or refuse, or prove
insufficient to pay the said forfeiture, the said vessel, tackle and apparel shall be liable for Vessel liable.
the same ; any law, usage or custom to the contrary thereof in anywise notwithstanding,
subject nevertheless to the appeal of either party who may pray the same, as in other like
cases provided by law.

III. *And be it further enacted,* That it shall be the duty of the Justice before whom Fines how ac-
such person shall be convicted, to receive of the Sheriff or Constable who shall levy the counted for.
same, that part of such forfeiture as shall be coming to the state, and pay the same into
the hands of the Clerk of the County Court of said county, and take his receipt for the
same, who shall account therefor in the same manner as for other public money which
shall come into his hands by virtue of his office.



C H A P. XL.

An Act to encourage the cutting a navigable Canal from Roanoke river or the waters thereof near Hogstown, to the waters of Pamlico river.

WHEREAS the connecting the navigation of Roanoke river with that of Pamlico river by a short and safe rout, would contribute much to facilitate commerce;

I. *Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same,* That it shall be lawful to open books of subscription in Martin county under the direction of Kenneth Clark, in Halifax under the direction of Jesse Rhymes, in Warren county under the direction of Marmaduke Johnston, in Bertie county under the direction of Arthur Brown, in Edgecombe county under the direction of John G. L. Schinck, in Pitt county under the direction of James Gorham, and in Beaufort county under the direction of William Rhodes, for the receiving subscriptions to the amount of sixty thousand dollars for said undertaking; which subscriptions shall be made personal or by power of attorney, and shall be in dollars: That the said books shall be opened on the third Monday in June next ensuing, and shall continue open until the last day of June then following; and on the thirty-first day of July next following, there shall be a general meeting of the subscribers at Hogstown in Martin county, and the managers shall give notice of such meeting in the Halifax paper, one month at least before the day for that purpose appointed; and the acting managers shall then and there lay before such of the subscribers as shall meet the books by them kept, containing a state of the subscribers; and if the capital sum aforesaid shall not have been subscribed, then the managers are to continue to receive subscriptions to make up the deficiency. The acting managers shall make a list of the subscribers, with the sum subscribed by each person, and return the same under their hands, to the Secretary's-office of the state of North-Carolina, there to be recorded; and if more than sixty thousand dollars shall be subscribed, the same shall be reduced to that sum by the managers or a majority of them, by beginning to strike off from the largest subscriptions in the first instance, then from the next largest and so on, until the sum is reduced to sixty thousand dollars; and the said capital shall be divided into six hundred shares of one hundred dollars each, and any person may subscribe for one or more shares, but not for part of a share. *Provided,* That unless one half of the capital aforesaid shall be subscribed before or at the meeting of the subscribers at Hogstown, on the thirty-first day of July, one thousand eight hundred, all subscriptions made in consequence of this act shall be void; and if one half and less than the whole shall be subscribed, then the President and Directors are empowered to receive the subscriptions which shall be first offered, in whole shares, until the deficiency shall be made up, and they shall return their proceedings in this behalf to the Secretary's-office, to be recorded.

II. *And be it further enacted,* That if one half or more of the capital shall be subscribed as aforesaid, the subscribers, their heirs and assigns, from the time of the said first meeting, shall be and they are hereby declared to be incorporated by and under the name of Union Canal Company, and may sue and be sued; and the subscribers present at the said meeting, or a majority, shall elect a President and seven Directors to conduct the said undertaking and manage the business of the Company for and during such time as the Company shall think proper; and in counting the votes of all general meetings of the Company, each member shall have one vote for each share as far as ten shares, and one vote for every five shares above ten by him held at the time; and any member by writing under his or her hand, executed before a Justice of the Peace and certified, may depute any member to act as proxy for him or her at any general meeting.

III. *And be it further enacted,* That the President and Directors and their successors or a majority of them shall and may agree with persons in behalf of the Company, to open the navigation aforesaid, by locks and canals from place to place and from time to time, and upon such terms as they shall think best, and out of the said capital and money arising from toll, pay for making and repairing all works necessary for the purpose aforesaid; and also to appoint a Treasurer, not one of their body, but yet a proprietor, Clerk, Toll-gatherers, and such officers, managers and servants as may be requisite, and to agree for their wages, settle and pass their accounts, and also to establish rules of proceedings, and generally to transact all the business of the Company in the intervals between the general meetings of the same; and they shall be allowed by the Company at their general meetings a reasonable sum for their trouble. *Provided,* That the Treasurer shall give bond and security as the President and Directors shall direct; and that he shall not be allowed more than three per centum for the disbursements by him made for services, and that no officer in the Company shall have a vote in settling or passing his accounts.

IV. *And be it further enacted,* That each subscriber shall pay for every share at the first general meeting to be held on the thirty-first day of July aforesaid, at Hogstown, the sum of twenty-five dollars per share, to the Treasurer of the Company; and the names of those who fail to pay shall then and there be struck off the books, and others complying with this regulation may take such shares, and the President and Directors and their successors or a majority shall have power from time to time as money may be wanting, to make and sign orders for that purpose, and direct at what time and in what proportion the subscribers shall pay the sums subscribed, which orders shall be advertised at least one month in the state Gazettes of North-Carolina and

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and Virginia. *Provided*, That the President and Directors shall not demand from the subscribers more than twenty-five dollars per share in one year, and if any of the subscribers shall fail to pay their proportions required, within two months after the same is ordered to be advertised, the President and Directors or a majority may sell at auction and convey to the purchaser the shares of the subscriber so failing, giving at least one month notice in the Gazettes aforesaid; and all such sales shall be at Hogstown on Roanoke river, and the purchasers of such shares shall be subject to the same regulations as if the sale and conveyance had been made by the proprietors.

V. *And be it further enacted*, That from time to time, on the expiration of the term for which the President and Directors may be appointed, the subscribers at their next general meeting may continue them or any of them, or choose others in their room, and in case of the death, resignation, removal or incapacity of any of them, may elect others, may also at any of their general meetings remove the President or any of the Directors, and appoint others for the remainder of the time for which such persons were to have acted.

VI. *And be it further enacted*, That every President and Director before he proceeds to act, shall take an oath or affirmation for the faithful discharge of his office.

VII. *And be it further enacted*, That the presence of the proprietors having three hundred and ten shares at least, shall be necessary to constitute a general meeting; that there shall be a general meeting on the thirty-first day of July annually, after the first meeting at Hogstown; but if a sufficient number does not attend on that day, the proprietors attending may adjourn from day to day until a sufficient number does meet, and then to continue to set as long as necessary; and the President and Directors shall make report and render just and distinct accounts of all their proceedings, and the proprietors present or a majority, if they find the accounts just, shall grant a certificate thereof, and make a statement of the same on the books of the Company; and at such yearly general meeting, after leaving in the hands of the Treasurer such sum as the majority of the proprietors may judge necessary for repairs and contingent charges, an equal dividend of the profits arising from the tolls by this act granted, shall be made among the proprietors in proportion to their several shares; and on any emergency the President and a majority of the Directors in the intervals between the yearly meeting, may call a general meeting of the Company at Hogstown, giving notice in the Gazettes of North-Carolina and Virginia aforesaid.

VIII. *And be it further enacted*, That for the expences the Company must incur in cutting canals, erecting locks, making roads and doing various things necessary for this navigation, the said canals, locks, roads and every work and thing appertaining to the said navigation, with all the profits arising from the same or any part thereof, shall be and they are hereby vested in the said Company, their heirs and assigns forever, as tenants in common, in proportion to their respective shares, and the same shall be deemed real estate, and shall be exempt from the payment of taxes, imposition or assessment; and the toll which the Company may or shall demand for every thing, shall be fixed by the President and Directors from time to time. *Provided always*, That the toll to be paid for passing the same shall at no time exceed the toll allowed by an act entitled "An act for cutting a navigable canal from Pasquotank river, in this state, to the waters of Elizabeth river, in the state of Virginia," for similar articles paying the same; and they shall enter their proceedings in their books, and publish the same in the Gazettes of North-Carolina and Virginia as aforesaid; and it shall be lawful for the President and Directors at all times thereafter, to demand and receive tolls which shall be fixed by the Commissioners aforesaid, on all produce, goods or commodities which shall be transported through the navigation of the said Company, or any part thereof; and they may demand the toll at such place or places as they shall think proper; and if any person shall refuse to pay lawful toll, the Collector may deny passage; and if any person so refusing to pay shall pass through the navigation, it shall be lawful for the Collector to seize vessel and cargo wherever found, and sell the same or as much as may be necessary, giving ten days previous notice, at auction for ready money, to pay the toll, and the surplus, if any, shall be rendered to the owners, after paying the toll and expence of seizure and sale.

IX. *And be it further enacted*, That the navigation and works of the said Company done in pursuance of this act, when completed, shall forever thereafter be considered as public highways, free for the transportation of all goods, wares, commodities or produce whatever, paying toll as before directed.

X. And whereas it may be necessary for the completing the navigation aforesaid, that certain portions of lands should be condemned for the purpose; *Be it further enacted*, That it shall and may be lawful for the President and Directors or a majority, to agree with the owners of any land through which the said navigation is intended to pass, for the purchase thereof; and in case of disagreement, or if the owner shall be a Feme, covert under age, non compos or out of the state, on application to any two Justices of the county in which such lands lie, the said Justices shall issue their warrant to the Sheriff of the county to summon a jury of eighteen men of property and reputation, not related to the parties, and disinterested, to meet on the land to be valued at a day to be expressed in the warrant, not less than ten nor more than twenty days thereafter; and the Sheriff on receipt of the warrant shall summon the said jury, and when met shall administer an oath or affirmation to them, provided twelve or more appear, to wit: That he will impartially value the thing in question, and consider all damages the owner thereof may sustain by being

being divested of his property therein, that he will not in his valuation spare any person through favour, nor injure any one through malice or hatred : and the inquisition so taken shall be signed by the Sheriff and twelve or more jurors, and returned to the Clerk of the Court of the county to be recorded ; and in all such cases, the jury is directed to describe the thing valued, and their valuation shall be conclusive, and the President and Directors shall pay the same to the owner of the thing valued, or his legal representatives ; and if neither can be found in the state, or if found, should refuse to receive the money, then to the Clerk of the Court of the county ; and on payment thereof, the said Company shall be seized in fee of the thing valued, in the same manner as if conveyed to them by the owner by legal conveyance.

XI. *And be it further enacted,* That the President and Directors or a majority of them, may agree with the proprietor for any quantity of lands not exceeding two acres, at or near the place intended for collecting the tolls aforesaid, for the purpose of erecting necessary buildings ; and in case of disagreement, or any of the disabilities aforesaid, or the proprietor living out of the state, then the same proceedings shall be had and the same consequences shall follow, as in the preceding clause. *Provided always,* That the land so to be valued shall not include mill-dams, mills or other buildings.

XII. *And be it further enacted,* That where it shall be necessary to pass any mill already built, or which may be hereafter built with the canal by this act contemplated, it shall and may be lawful to erect a lock or locks in the dam thereof for that purpose, the damage of which to the owner thereof, shall be ascertained in the same manner as is pointed out by the tenth section of this act, unless it shall be otherwise agreed by the Company and the proprietor.

XIII. *And be it further enacted,* That it shall be lawful for any of the proprietors to transfer his share or shares by deed, executed before two witnesses, and registered after proof of execution, in the Company's books, and not otherwise except by devise ; which devise shall also be exhibited to the President and Directors before the devisee shall be entitled to draw any part of the profits from the said tolls. *Provided,* That no transfer shall be made for parts of a share, and that no share shall be transferred or held in trust for the use and benefit, or in the name of another, whereby the President or Directors or proprietors, or any of them may be made to answer any such trust ; but that every such person appearing as aforesaid to be a proprietor, shall as to the rest of the Company, be considered to every intent as a proprietor ; but between any Trustee and the person for whose benefit any trust may be created, the common remedy may be pursued.

XIV. *And be it further enacted,* That if the said Company shall not complete the navigation aforesaid, within twenty years, after the passing of this act, all preference in favour of said Company with respect to the said navigation, shall be forfeited.

XV. *And be it further enacted,* That the said Company and their successors, shall be capable of purchasing and holding and selling real and personal estate ; and if any person shall be sued for any thing done in pursuance of this act, he may plead the general issue, and give this act and the special matter in evidence, and on a verdict against the plaintiff or nonsuit or discontinuance, recover costs of suit.

XVI. *And be it further enacted,* That the General Assembly of North-Carolina, shall not impose any restrictions, duty or impost on commodities, manufactures, produce or merchandize transported by the said navigation.

XVII. *And be it further enacted,* That when the said Company shall have completed the canal, they shall render a summary statement of the monies expended in the navigation, to the Secretary of State, and it shall be his duty to file the same in his office ; and it shall and may be lawful for the state, at any time after the Company have been receiving toll on said canal fifty years, to take the said canal and appurtenances thereto belonging, for the purpose of navigation only, on paying the Company the monies expended thereon, (ascertained by the statement made and filed as aforesaid,) with twenty-five per centum advance on such sum, in lieu of all profits and advantages that might thereafter accrue to the said Company, were they allowed to retain the same.

C H A P. XLI.

An Act to empower the County Court of Currituck to appoint persons to copy the books in the Register's-office in said County.

I. *BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That a majority of the Justices of the County Court of Pleas and Quarter-Sessions for the said county, may whenever they deem it necessary, appoint two persons in the county to examine the books in the Register's-office therein, and report to the next court the situation of the said books, and how many, or what part thereof or any of them need transcribing ; and if it appears to a majority of the Justices of said county that it is necessary to transcribe any part of the said books, they shall appoint some person in the said county to purchase a book or books and copy in a fair and legible manner, such books or part of books in the said office as may have been reported to require the same.

II. *And be it further enacted by the authority aforesaid,* That when the persons so appointed by the said court shall have completed the said business as by this act enjoined, the books wherein such new entries are made, together with the old books, shall be committed to the examination of the two men appointed to examine the said books, who may make such corrections as they may conceive necessary, so as to render them conformable to the originals, and shall sign such books and

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and certify that they are accurately and literally copied; and such books shall have the same credit and validity as the originals would be entitled to, in all courts of record in this state.

II. *And be it further enacted by the authority aforesaid,* That the said Court shall allow the examiners and the persons appointed to transcribe the said books, a sum adequate to their services, to be paid out of the county taxes by an order on the county Treasurer, who shall be allowed in his settlement for the same.

C H A P. XLII.

An Act to amend an act entitled "An act to increase the pay of the Jurors to the Superior Courts of the districts of Newbern, Wilmington and Halifax, and also the districts of Fayetteville, Hillsborough and Edenton, except the Jurors from the counties of Chowan, Person and Robeson."

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the Jurors from the county of Person to the district Court of Hillsborough, and the Superior Court Jurors from the county of Robeson, for the district of Fayetteville, shall be allowed and paid ten shillings for every day's attendance, and ten shillings for every thirty miles riding to and from said Courts; any law, usage or custom to the contrary notwithstanding.

C H A P. XLIII.

An Act to repeal an act entitled "An act for clearing out the Great Swamp in Robeson County," passed at Raleigh, in the year one thousand seven hundred and ninety-six.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That the before recited act and every part thereof, is hereby repealed and made void, as if the same had never been passed.

C H A P. XLIV.

An Act to authorize William Porter to raise one thousand dollars by way of lottery.

WHEREAS William Porter hath represented to this General Assembly, that one thousand dollars will be of great benefit to him in erecting a manufacture for the purpose of making arms; and it is good policy in all well-regulated governments to encourage manufactures of every kind;

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That William Porter shall have leave to raise by way of lottery the sum of one thousand dollars; and that Joseph Dickson, Jonathan Hempton, David Vance, William Lenoir, Waughtill Avery, William Erwin and William Tate, Esquires, be and they are hereby appointed Commissioners for the purpose of opening and completing a scheme of a lottery to raise the sum aforesaid, in the following manner:

	10,000 Dollars.
5000 Tickets at two dollars each, are	
1 Prize of five hundred dollars, is	500
1 ditto of four hundred dollars, is	400
1 ditto of three hundred dollars, is	300
3 ditto of one hundred dollars, are	300
6 ditto of fifty dollars, are	300
8 ditto of thirty-five dollars, are	280
18 ditto of twenty-five dollars, are	450
200 ditto of ten dollars, are	2000
400 ditto of five dollars, are	2000
500 ditto of four dollars, are	2000
490 ditto of three dollars, are	1470

1628 Prizes.

3372 Blanks.

10,000

5000 Tickets at two dollars each, are 10,000

And the said Commissioners or a majority of them shall be managers of said lottery, and shall be accountable for the prizes and profits thereof.

II. *And be it further enacted,* That when nine-tenths of the tickets are sold the drawing of said lottery shall commence, under the management of the said Commissioners, they giving twenty days notice in the Halifax and Salisbury papers.

III. *And be it further enacted,* That all prizes shall be paid in thirty days after the drawing of said lottery is finished, upon the demand of the possessor of a fortunate ticket; which prize shall be subject to a deduction of ten per cent. and if such prize is not demanded in the space of six months after the drawing is finished, of which notice shall be given in the papers above mentioned, within thirty days after the drawing is finished, shall be considered relinquished for the benefit of the said William Porter; and the produce of said lottery shall be vested in the said William Porter; and the said lottery shall be drawn in the town of Morganton, and in the time of the sitting of the Superior Court of Morgan district.

IV. *And be it further enacted,* That before the Commissioners herein appointed shall begin

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to act, they shall take the following oath: "I, A. B. do solemnly swear that I will do equal justice to all persons concerned in said lottery, and that I will conduct the same justly and truly to the best of my knowledge, SO HELP ME GOD;" and shall also enter into bond with good and sufficient security, to be judged of by the said William Porter, the Solicitor-General and any one of the Judges of the Superior Court of Law and Equity, for the sum of ten thousand pounds, payable to the Governor for the time being, and his successors in office; which bond shall be void on condition that they the said Commissioners shall well and truly execute the trust reposed in them by this act, that is to say, that they will without fraud or delay, or other deduction than ten per cent. herein prescribed, pay every fortunate adventurer in said lottery the prize he, she or they shall draw therein, on demand; and further, that they the said Commissioners shall fully and faithfully account for and pay to the said William Porter, his heirs or assigns, all the profits that shall arise out of the scheme of said lottery, without fraud or delay.

V. *And be it further enacted*, That if the Commissioners aforesaid fail to perform any part of the condition of said bond, any person or persons aggrieved by such failure may without assignment, bring suit upon said bond in any court of record; and all sums recovered, shall be to the use of the person or persons who shall bring suit: and the bond shall be lodged with the Clerk of Morgan district, who shall keep it as part of the records of said district.

VI. *And be it further enacted*, That if any of the above Commissioners shall die, remove, or refuse to act before the said lottery be drawn, that then the said William Porter, the Solicitor-General, together with any one of the Judges, shall have full power and authority to appoint others in the room of those dead, removed or refusing to act, as the case may be, and a record of such appointment be made in the Superior Court of Morgan district; the Commissioner or Commissioners so appointed shall have the same powers and authorities, and be subject to the same penalties as though he or they had been appointed by the General Assembly.

C H A P. XLV.

An Act to confirm the proceedings of the county Court of Moore, relative to the transcription of a part of the Entry-taker's books of said county.

WHEREAS a part of the Entry-taker's books in the county of Moore, was so defaced and abused that the same was scarcely legible, and whereas the Court of said county did appoint a proper person to transcribe the same, to prevent its being entirely obliterated;

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the part of the Entry-taker's books transcribed by the order of the said Court, shall be as valid in law as if the same was done by virtue of an act of Assembly; any law to the contrary notwithstanding.

C H A P. XLVI.

An Act to empower the county Court of Moore to lay a tax for the year one thousand seven hundred and ninety-eight, to defray the expence of transcribing the Register's books of said county.

WHEREAS by an act of the General Assembly, passed at the city of Raleigh, in the year one thousand seven hundred and ninety-six, the county Court of Moore was empowered to employ some person to transcribe such of the Register's books of said county as in the opinion of said Court should want transcribing, and to lay a tax for the year one thousand seven hundred and ninety-seven, to defray the expence thereof: And whereas it is represented to this General Assembly, that the said Court did make such appointment, and that the books hath been transcribed in conformity to said act, and that the said Court failed to levy the tax as therein directed, and no compensation having been made to the person employed to transcribe said books, and it being doubtful whether by the said act, the said Court can now lay such tax: For remedy whereof,

I. *Be it enacted by the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the county Court of Moore is hereby authorized and empowered to levy and cause to be collected for the year one thousand seven hundred and ninety-eight, a tax sufficient to defray all the expence of transcribing and comparing said books, and for the purchase of new books to copy into; and that the money to be raised by such tax shall be applied to no other use whatever; any law to the contrary notwithstanding.

C H A P. XLVII.

An Act to transcribe certain entries in Cumberland county.

WHEREAS by an act passed in the year one thousand seven hundred and ninety-five, entitled "An act to amend an act entitled An act to prevent the issuing of grants for lands entered with any of the Entry-takers in this state, in certain cases, and to prevent the issuing of warrants of survey in manner as is described," the Entry-takers' books in the different counties in this state were ordered to be transcribed: And whereas one of the Entry-taker's books in the county of Cumberland was accidentally omitted to be transcribed at the time that the transcript was made in said county, agreeably to the said act,

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That a transcript of a book lately in the possession of James McNeill, containing sundry entries, shall be made, transmitted and paid for under the same rules and regulations as are prescribed in the before recited act.

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C H A P. XLVIII.

An Act to authorise the county Court of Cumberland to transcribe certain records in the Register's-office.

WHEREAS it has been represented to this General Assembly, that a part of books A. and B. in the Register's-office for the county of Cumberland, has been impaired and decayed by age and accident,

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the Court of Pleas and Quarter-sessions of the county of Cumberland, to inspect and examine the books A. and B. aforesaid, and if they conceive them or any part of them necessary to be transcribed, they are hereby authorized to cause the same to be fairly and accurately copied; for which service they may allow such sum out of the county tax as they may deem reasonable and competent.

C H A P. XLIX.

An Act to alter the time of holding the county Court of Bladen.

I. **BE** it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the next Court of Pleas and Quarter-sessions for the county aforesaid, which will be on the first Monday in February, in the year one thousand seven hundred and ninety-nine, the times for holding the said Courts shall be altered as follows, that is to say: on the first Mondays in June, September, December and March, and all process in the said Court shall be returnable on the said Mondays accordingly.

C H A P. L.

An Act to substantiate certain proceedings in the county Court of Cumberland.

WHEREAS during the contest between Joshua Winslow and Robinson Mumford for the Clerkship of the county Court of Cumberland, and previous to a final decision on the same in the Superior Court of Law for the district of Fayetteville, a variety of judicial proceedings were had in the said county Court, which may require the aid of this Assembly to render them valid;

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That all proceedings on suits which were depending during any part of the time the said contest for the Clerkship aforesaid subsisted, shall be held and deemed valid, notwithstanding the said contest—That all judgments recovered or confessed during the period aforesaid shall be considered as regular—That all deeds, bills of sale, conveyances and other instruments admitted to record during the said contest, shall be deemed valid—And in fine all acts relating to the office of the Clerk of the Court aforesaid, and which were done in that capacity either by the said Robinson Mumford or Joshua Winslow, shall be considered and held regular and valid; any law, usage or custom to the contrary notwithstanding. *Provided always,* That nothing herein contained shall be construed to affect or relate to any objection to the validity or legality of said proceedings other than such as might be made on account of any defect or irregularity in said appointment of Clerk.

C H A P. LI.

An Act to authorise such of the county Courts in this state to elect Treasurers of public buildings, as have not appointed the said officer at the term pointed out by law.

I. **BE** it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That where any county Court in this state has failed to appoint a Treasurer of public buildings at the time directed by an act passed at the last session of the General Assembly, it shall and may be lawful for the said Court to proceed to elect some suitable person to act as Treasurer of public buildings, at any term after the ratification of this act and before the term directed by the above mentioned law, who shall hold his office till the term pointed out by law for the annual election of said officer, shall enter into bond in the same manner, be entitled to the same compensation for his services, possess the same powers, and be subject to the same rules, regulations, penalties and restrictions as the Treasurers of public buildings heretofore appointed.

II. *And be it further enacted,* That whenever said office shall become vacant by the death, removal, resignation or disqualification of any Treasurer of public buildings, the several county Courts are hereby directed to make an appointment to fill such vacancy till the annual term of appointment. *Provided,* That no election authorized by this act shall take place unless a majority of the acting justices of such county be present at said election.

C H A P. LII.

An Act to empower the county Courts therein mentioned, to lay a tax annually for the payment of their Jurors.

I. **BE** it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That in future each and every Juror who shall be appointed and summoned, and who shall regularly attend the county Courts of Rockingham, Currituck, Halifax and Duplin, after the first day of February next, shall be allowed the sum of five shillings for every day's attendance on the said courts, and the sum of five shillings for every thirty miles travelling to and from court.

II. *And*

II. *And be it further enacted*, That each and every Juror so attending, shall obtain from the Clerk of the Court, a certificate in the same manner and under the same rules and restrictions as certificates are obtained from the Clerks of the Superior Courts for like services; which appropriation shall be collected and paid by the Sheriffs of the respective counties before mentioned, under the same rules and regulations as are prescribed for the payment of certificates for the attendance of Jurors at the Superior Courts.

III. *And be it further enacted*, That the courts of the said counties of Rockingham, Currituck, Halifax and Duplin, are hereby authorized and empowered to lay a tax annually not exceeding one shilling on every poll, four pence on every hundred acres of land, and a tax of one shilling on every hundred pounds value of town property with their improvements, in the said counties respectively, so as to raise a sum sufficient for the payment of the said Jurors. *Provided nevertheless*, That the Jurors for the county Court of Rockingham shall not be allowed pay for travelling to and from said court; any thing in this act to the contrary notwithstanding.

C H A P. LIII.

An Act to authorize the Chairman of the Court of Pleas and Quarter-Sessions of Gates county, to convey a certain piece of land herein described, to the heirs of James Garrett, deceased.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That the Chairman of the Court of Pleas and Quarter-Sessions of Gates county, is hereby authorized to convey by deed to the heirs of James Garrett, deceased, all the right and title the county aforesaid hath in and to a piece or parcel of land that James Garrett, deceased, gave to the county of Gates, that lyeth within the bounds of a piece of land the said Garrett purchased of Robert Parker, lying in the county aforesaid, near the courthouse thereof.

II. *And be it further enacted*, That such deed as aforesaid, when executed, shall secure the aforesaid land to the heirs of the said James Garrett, in as full and ample a manner as if the said James Garrett had never conveyed the same.

C H A P. LIV.

An Act to establish a Seminary of Learning in the Town of Salisbury.

WHEREAS the establishing a seminary of learning in the town of Salisbury in the county of Rowan, will tend greatly to the education of youth;

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That Montford Stokes, James Daniel, Joseph Hadden, Alexander Long and Jacob Fisher be and they are hereby constituted and appointed Trustees, with full power and authority to receive all donations, as well as money which may be subscribed for the purpose of erecting and supporting the said seminary; and the said Trustees and their successors shall be able and capable in law to ask for, demand, recover and receive of the several subscribers all sums by them respectively subscribed; and in case of refusal of any of them to pay the same, to sue for and recover by action of debt or otherwise, in the name of the Trustees, the sum which such person shall have subscribed, before any jurisdiction having cognizance thereof; and when the monies are collected, to be applied by the said Trustees or a majority of them, as they shall think necessary and expedient for the advancement of said seminary and the promotion of learning therein.

II. *And be it further enacted by the authority aforesaid*, That the Trustees herein before mentioned, shall previous to their entering on the execution of the trust reposed in them by this act, give bond to the county Court of Rowan, payable to the Chairman or his successors, in the sum of five hundred pounds, with condition that they shall well and faithfully account for and apply all gifts, gratuities, donations and monies which they may receive by virtue of this act, for the purposes aforesaid.

III. *And be it further enacted by the authority aforesaid*, That if any of the Trustees appointed by this act should die or refuse to act, a majority of the remaining Trustees may appoint another or others in his or their room and stead, who shall have the same powers as those first appointed; and when convened together shall have power to appoint a Tutor or Tutors and Treasurer, and also to make and ordain such rules and regulations, not repugnant to the laws of this state, for well ordering of the students, as to them shall seem best.

IV. *And be it further enacted by the authority aforesaid*, That the Treasurer aforesaid, before he enters into the trust reposed in him by this act, shall enter into bond with sufficient security, to the said Trustees, for the faithful discharge of his duties.

C H A P. LV.

An Act to establish an Academy at Smithville, in the county of Brunswick.

WHEREAS the promotion of learning deserves high encouragement in a Republic, the safety and happiness of the state depending on the knowledge and morality of the people; and the situation of Smithville, at the mouth of Cape-Fear river, holds out a prospect of health and plenty, from its vicinity to the sea, whence from the abundance of marine provision, it is probable that students may be accommodated at a moderate expence;

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That Benjamin Smith, Benjamin Mills, William Gault, John G. Scull,

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Scull, William E. Lord, Abraham Bessent and Joshua Potts, be and they are hereby declared to be a body politic and corporate to be known and distinguished by the name and title of the Trustees of Smithville Academy, and by that name shall have perpetual succession and a common seal; and that the said Trustees and their successors by the name aforesaid, or a majority of them, shall be able and capable in law to take, demand, receive and possess all monies, goods and chattels that shall be given them for the use of said Academy, and the same apply according to the will of the donors; and by gift, purchase and devise, have, receive, possess, enjoy and retain to them and their successors for ever, any lands, rents, tenements and hereditaments of what kind, nature or quality soever they may be, in special trust and confidence, that the same or the profits thereof shall be applied to and for the use and purpose of establishing and endowing said Academy.

II. *Be it further enacted*, That the said Trustees or their successors, or a majority of them, by the name aforesaid, shall be able and capable in law to bargain, sell, grant, demise, alien, or dispose of and convey, and assure to the purchasers any such land, rents, tenements and hereditaments aforesaid, when the condition of the grant to them, or the will of the donor or devisor does not forbid it; And further, that they the said Trustees and their successors, for ever, or a majority of them, shall be able and capable in law by the name aforesaid, to sue and implead, be sued and impleaded, answer and be answered in all courts of record whatsoever; and they shall have power to open and receive subscriptions, and in general they shall and may do all such things as are usually done by bodies corporate and politic, or such as shall be necessary for the promotion of learning and virtue. And they the said Trustees and their successors or a majority of them, shall have the power of appointing a President and such Professors and Tutors as to them shall appear necessary and proper, whom they may remove for misbehaviour, inability or neglect of duty; and they shall have the power to make all such laws and regulations for the government of the Academy and preservation of religion, order and good morals therein, as to them may appear necessary, and are hereby invested with all the powers and authorities which the Trustees of any other seminary of learning in this State have or may possess or enjoy. *Provided nevertheless*, That the same are not contrary to the constitution or laws of the State.

III. *Be it further enacted*, That the said Trustees, in order to carry the present act into effect, shall meet at the court-house of said county, on Tuesday the twenty-ninth day of January next, at which time they shall choose a President and Secretary, and shall then fix the time of their next annual meeting, which and every succeeding annual or other meeting, shall be at the said town of Smithville; and whereat a majority of the members shall be a quorum, and the said Trustees at their annual meeting may appoint special meetings within the year, or in case unforeseen accidents or causes shall render an earlier meeting necessary, the Secretary by order of the President, shall call a meeting of the Board agreeably to the said order.

IV. *And be it further enacted*, That on the death, refusal to act, or neglect to attend three successive meetings of the Board without a sufficient excuse being sent to the Trustees at such third meeting, for the said absence, that it shall be lawful for the remaining Trustees, and they are hereby authorised to elect and appoint one or more Trustees in the place of such as die, refuse or neglect to act; which Trustee or Trustees so appointed shall be vested with the same powers, trusts and authorities as the Trustees are by virtue of this act.

CHAPTER LVI.

An Act to authorize the Trustees of Smithville Academy, to raise the sum of seven thousand dollars by lottery or lotteries.

WHEREAS it is represented to this General Assembly, that certain liberal and well disposed persons have subscribed sums of money for the purpose of erecting a School-House or Academy at the town of Smithville, and that the subscriptions would increase if it appeared probable that an adequate sum for erecting a proper building and supporting the same could be raised: Therefore to encourage an undertaking so laudable, which may be highly beneficial to the inhabitants of the county of Brunswick, and produce advantages more extensive hereafter,

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Trustees of the said Academy established by the present General Assembly, shall have power, and they are hereby permitted to raise the sum of seven thousand dollars by a lottery or lotteries, as they or a majority of them shall deem most proper; and that the said Trustees and their successors, be and they are hereby appointed Commissioners for the purpose of opening and completing a scheme or schemes of a lottery or lotteries, calculated to raise the sum aforesaid, in which there shall not be more than two blanks to one prize; and the said Commissioners or a majority of them, shall be Managers of said lottery, and accountable for the prizes and profits thereof.

II. *And be it further enacted*, That when three-fourths of the said tickets are sold the drawing of the said lottery shall commence, under the management of said Commissioners, they giving thirty days notice in the Wilmington Gazette.

III. *Be it further enacted*, That all prizes shall be paid in four weeks after the drawing is finished; upon demand of the possessor of a fortunate ticket; which prize shall be subject to a deduction of ten per cent.—and if such prize is not demanded within six months after the drawing is finished, of which public notice shall be given in the Wilmington Gazette aforesaid, the same shall

shall be considered as relinquished for the benefit of said Academy ; and the nett profits of said lottery or lotteries shall be vested in the Trustees aforesaid, for the use of the said Academy.

IV. *Be it further enacted*, That before the Commissioners herein appointed, shall begin to act in pursuance of this law, they shall enter into bond with security, to be judged sufficient by the court of Brunswick county, for the sum of seven thousand pounds, payable to the Chairman of the said Court and his successors ; which bond shall be void on condition that they the Commissioners aforesaid, shall well and truly perform the trust hereby reposed in them, that is to say, that they will without fraud, delay, or other deduction than ten per cent. herein prescribed, pay to every fortunate adventurer in said lottery or lotteries, the prize he shall draw therein, in the time before mentioned ; and further, that they the said Commissioners shall fully and faithfully account for all the profits which shall arise from the lottery or lotteries aforesaid, in six months after drawing the same, to the said Court or the Court ensuing the same.

V. *Be it further enacted*, That if the Commissioners aforesaid, fail to perform any part of the condition of said bond, any person aggrieved by such failure, may without assignment bring suit on said bond, in the name of the Chairman of said Court, in any Court of record within this state having cognizance thereof ; and all such sums recovered thereon shall be to the use of the person or persons who shall so bring suit : and the said bond shall be lodged with the Clerk of the Court of Brunswick county, who shall keep the same as part of the records of the Court aforesaid.

C H A P. LVII.

An Act to establish an Academy at Unity Meeting-House, in Randolph county.

WHEREAS the promotion of learning tends to the happiness and safety of a republican government, and the knowledge and morals of the people depend much thereon, and the situation of Unity Meeting-House, in Randolph county, holds out a prospect of health and plenty ;

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That Jeduthan Harper, Reuben Wood, Nicholas Nall, Archibald M'Bride, Lemuel Smith, and Edmund Waddel, Esquires, be and they are hereby declared to be a body politic and corporate to be known and distinguished by the title of the Trustees of Unity Meeting-House Academy, and shall have perpetual succession and a common seal ; and that the said Trustees and their successors by the name aforesaid, or a majority of them, shall be able and capable in law to take, demand, receive and possess all lands, goods and chattels that shall be given them for the use of the said Academy, and the same apply according to the will of the donor.

C H A P. LVIII.

An Act to establish a Seminary of Learning on Adams's-creek, in Craven county.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That John S. Nelson, Benjamin Mason, Joseph Matters, Philip Neale, sen'r. John Carney and Philip Neale, jun'r. be and they are hereby constituted and appointed Trustees to superintend the government of a seminary of learning on Adams's-creek, in the county of Craven, with full power and authority to receive all donations, legacies, or devises which may be made to them as Trustees aforesaid, for the purpose of erecting a building and supporting the said seminary hereby constituted by the name of Adams's-creek Academy ; and the Trustees and their successors or a majority of them, are hereby empowered to ask, demand, sue for, recover and receive from all persons, any sums of money or other property, real as well as personal, to which they may be entitled by donation or purchase, with full power to apply and use the same as to them shall seem best adapted for the advancement of said seminary and the promotion of virtue and learning.

II. *And be it further enacted*, That the said Trustees or a majority of them (who in all cases are constituted a quorum) shall make choice of some fit situation on Adams's creek, whercon to erect the buildings necessary for said seminary.

III. *And be it further enacted*, That when any of the said Trustees named in this act shall die, remove or resign, a majority of those remaining, shall have full power and authority to appoint others in the room of those so dead, removed or resigned.

IV. *And be it further enacted*, That the said Trustees and their successors, are hereby appointed a body politic and corporate by the name of the Trustees of the Adams's-creek Academy, and shall be able and capable in law to act and do all things whatsoever for the promotion of said seminary, in as full and ample manner as any body politic or corporate can or may by law.

C H A P. LIX.

An Act more effectually to compel the attendance of Jurors for the Superior Court of the district of Wilmington, and to increase the number thereof ; also to appoint Commissioners for the purpose of calling to account those persons who have heretofore received the taxes paid for building a Goal and Court-House in said district.

WHEREAS the fine at present fixed for non-attendance of Jurors to the Superior Court of Wilmington district, has proved inadequate, and the number of Jurors appointed to attend the same, are not sufficient ;

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted*

by the authority of the same, That the county Courts of the said district be and they are hereby empowered and required to appoint the following number of Jurors from their respective counties, agreeably to the mode prescribed by law, at each court immediately preceding the Superior Court of Wilmington district, viz. New-Hanover fourteen, Brunswick seven, Onslow seven, Duplin seven, and Bladen seven, which Jurors shall be under the same regulations and rules (except as to pay, as herein after mentioned) as other Jurors in this State.

II. *And be it further enacted*, That every Juror who shall hereafter be appointed to attend the Superior Court of Wilmington district as above mentioned, and shall fail to appear according to the summons and give his attendance, shall be subject to the same fines as heretofore imposed by law.

III. *And be it further enacted by the authority aforesaid*, That Benjamin Smith, John Waddel, Thomas Kenan, John Fullwood and James Walker, jun'r. be and they are hereby appointed a Board of Commissioners to examine into the expenditures of the taxes heretofore laid for the purpose of building a goal and court-house in said district, and they or a majority of them are hereby authorized and required to call to account on or before the first day of April next, all former Commissioners or other persons who did or ought to have received taxes for the purpose of building said goal and court-house; and in case of failure or refusal to settle and pay up any balance that remains or may be due, the said Commissioners or a majority of them are enjoined and required to recover the sums so due from such persons and their representatives, at the ensuing Superior Court of said district, by judgments to be entered up in the same manner as is prescribed for the recovery of public taxes, which the said court is hereby authorized and required to grant; which money shall be paid to such person as the said Commissioners or a majority of them shall appoint to receive the same, which shall be applied as by them directed for the purpose of repairing said court-house: and if any member of said Board should die, neglect, or refuse to act, the Board or a majority of them are hereby empowered to elect another person or persons to act in his or their place, regard being had to the county.

IV. *And be it further enacted*, That it shall be the duty of the Commissioners herein first named, to call a meeting of said Commissioners, to be held in the town of Wilmington, on or before the first day of February next, which they shall advertise in the Newspaper published in the town of Wilmington, two weeks previous thereto.

V. *And be it further enacted*, That all acts and clauses of acts coming within the meaning and purview of this act, be and the same are hereby repealed and made void.

C H A P. LX.

An Act to repeal an act entitled "An act making compensation to the county Court Jurors for the counties of New-Hanover, Surry, Stokes, Randolph, Chatham and Buncombe," so far as relates to the county of Buncombe.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That the before recited act so far as it relates to the county of Buncombe, be and the same is hereby repealed and made void; any law to the contrary notwithstanding.

C H A P. LXI.

An Act allowing compensation to the Jurors of Rutherford county Court, and authorising said Court to levy a tax to discharge the same.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That the Jurors attending the county Court of Rutherford, shall hereafter be allowed the sum of four shillings for each and every day that they shall attend on public business, and four shillings for every thirty miles travelling in going to or returning from said Court.

II. *And be it further enacted*, That the said county Court shall be authorized to levy and lay a tax on the citizens of their county, equal to pay off and discharge said allowance, not exceeding one shilling on each poll, and four pence on each hundred acres of land, and one shilling on each hundred pounds value of town property, per annum; which said tax shall be under the direction of the Court, collected by the Sheriff in the same manner as other county taxes, and accounted for by him to the Trustee of said county, under the same rules and regulations, and by him paid to the different claimants on the production of their certificates, and shall be allowed therefor in the settlement of his accounts.

III. *And be it further enacted*, That the Clerk of said Court shall at the end of each session, make out a certificate to such Juror, and for which he shall be paid eight pence. *Provided always*, That this law shall not take effect until a majority of the acting Justices in said county do approve of the same, and order a tax to be laid as aforesaid.

C H A P. LXII.

An Act to amend an act entitled "An act to amend an act to regulate and fix the price for inspecting and cooping tobacco at Fayetteville," passed in the year one thousand seven hundred and ninety-one.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That if one of the Inspectors of either of the tobacco warehouses

houses in Fayetteville, should at any time be absent, it shall and may be lawful for the Inspector that may be alone to call on any one of the others for the purpose of inspecting tobacco which may come to said ware-house ; any law, usage or custom to the contrary notwithstanding.

C H A P. LXIII.

An Act to establish an uniform time of receiving lists of taxable property in the county of New-Hanover.

WHEREAS great inconvenience arises under the present mode established by law for receiving lists of taxable property : Therefore

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the several Justices appointed by the county Court of New-Hanover to receive lists of taxable property, shall be appointed as usual, that is to say, one Justice for each Captain's district, and when so appointed, each and every of them shall give at least ten days notice by advertisement in the most public places in their respective districts, that they will attend, that is to say, the Justices in the upper part of the county at the annual election which will be held at Long-Creek, in August in every year ; and the Justices in the lower part of the county, at the annual election which will be held in the town of Wilmington, in August in every year, for the purpose of receiving lists of taxable property as aforesaid.

II. *And be it further enacted,* That the several Justices appointed to receive lists of taxable property aforesaid, shall also give notice by advertisement in their respective districts for which they shall be appointed, that on some certain day and place to be fixed on by themselves, but within fifteen days after the elections aforesaid, they will attend in order to receive the lists of taxable property of such persons who could not by sickness or for some other reason attend at the elections aforesaid ; and all person or persons failing to make return of his, her or their taxable property at one or the other places aforesaid, shall be liable to pay a double tax, which shall be collected in the manner already prescribed by law ; unless such person or persons so failing as aforesaid, shall make good and sufficient excuse upon affidavit at the next succeeding county Court, the sufficiency of which excuse shall be adjudged of by said Court.

III. *And be it further enacted,* That when by sickness, accident or otherwise, any of the Justices appointed as aforesaid to receive lists of taxable property, shall not attend at the elections aforesaid, any of the Justices appointed shall, and they or any of them are hereby authorised and empowered to receive the lists of all persons whether they reside in his own district or any other district. *Provided always,* That the Justices receiving the lists of any person or persons not living within their own district, shall make return of all such lists to the Justice in whose district such list ought to have been returned, and within five days after he shall have received the same.

IV. *And be it further enacted,* That all acts or parts of acts that come within the purview and meaning of this act, are hereby repealed and made void.

C H A P. LXIV.

An Act to prevent the collection of taxes for the year one thousand seven hundred and ninety-eight, on the buildings which were in the town of Wilmington on the first day of April last, and have since been consumed by fire, and on the lots whereon the said buildings were situated.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That no taxes of any kind or nature whatever, whether public or private, shall be collected or received on the buildings which were in the town of Wilmington on the first day of April last, and have since been consumed by fire, nor on the lots whereon the said buildings were situated, for the year one thousand seven hundred and ninety-eight ; any law, usage or custom to the contrary notwithstanding.

C H A P. LXV.

An Act for the purposes therein mentioned, relative to the town of Wilmington.

WHEREAS the length of time given to the proprietors of wet lots in the town of Wilmington to drain the same, after the order of the Commissioners to that effect, tends to defeat the intention of the law : And as the draining of such lots will be highly conducive to the health of the inhabitants,

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That the Commissioners of the said town or a majority of them, shall and they are hereby directed to order the proprietor or proprietors of any wet lot or lots in said town, to make proper drains or water-courses through the same within one month from the time such proprietor or proprietors shall have notice of such order ; to be served upon him, her or them in writing ; to be signed by the said Commissioners or a majority of them, or their Clerk ; and if it is not practicable to drain such lot or lots in such time, the said Commissioners shall allow such further time as may be necessary, to be judged of by them, for the proper draining of such lot or lots ; and any person neglecting or refusing to obey such order, shall forfeit and pay a sum not exceeding five pounds for every month he, she or they shall neglect or refuse, to be applied to the use of the town. *Provided always,* That the proprietor or proprietors of any such wet lot or lots may use any other method for making the same dry and wholesome, provided the same

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same be done within the time limited, and in such way as to answer the intention of such order. And the said Commissioners or a majority of them, shall have power and authority to order the proprietor or proprietors of any lot or lots through which any public water-course of said town may run, to clear out such water-course whenever the same may be necessary, the said Commissioners first giving notice to the proprietor of such wet lots, and allowing a length of time not exceeding a month for such purpose; which order such proprietor or proprietors shall obey under a penalty not exceeding five pounds, to be applied to the use of the town.

II. *And be it further enacted by the authority aforesaid,* That the said Commissioners or a majority of them, shall have power and authority to examine any cellar or cellars or other place in said town which may be suspected to be in a state to produce unhealthiness, and to make such order relative thereto as may tend to prevent or remove the evil intended to be guarded against or remedied; which order the proprietor or proprietors of the lot or lots shall obey under a penalty not exceeding five pounds for every month such proprietor or proprietors may neglect or refuse, to be applied to the use of the town: and if any person shall hinder or refuse to permit the said Commissioners or a majority of them to examine any cellar or cellars or other place as aforesaid, the person so hindering or refusing shall forfeit and pay twenty shillings for every offence, to be applied as aforesaid. And as it is just and equitable that persons possessed of taxable property in said town should pay the same poll tax as other persons,

III. *Be it enacted by the authority aforesaid,* That the Commissioners of the said town in laying a poll tax shall tax the person having taxable property in said town and residing therein, although the same may exceed the value of one hundred pounds, in like manner as other persons in said town now subject to a poll tax, and that such tax shall be equal and alike, one person subject to a poll tax to pay no more than another: and if the poll tax for the year one thousand seven hundred and ninety-eight is already laid, and the same be otherwise than herein directed, the same shall be altered by the said Commissioners or a majority of them, and laid agreeably to this act, and collected as prescribed by law. *Provided always,* That this act shall not extend nor be construed to extend to the tax collected on slaves permitted to hire themselves out in said town, under the regulations heretofore established by law. And whereas by the existing laws of the said town, slaves under certain regulations are permitted to hire themselves out, and under certain restrictions to be hired out by their owners residing in said town, and therein to exercise a trade under the immediate direction of such owner; and as it is sometimes out of the power of the owner or master or person having the management of any such slave to prove the service performed by such slave, and of the hirer or employer of such slave to prove the payment for such service,

IV. *Be it enacted by the authority aforesaid,* That in all cases of dispute between the owner or master or person having the management of such slave and the person or persons hiring or employing such slave, it shall upon trial be incumbent on the plaintiff to make proof as in other cases, if he or she can; and if such plaintiff cannot, and shall say so upon oath, the defendant shall then upon oath declare the time such slave may have been in his employment, and the kind of employment, and upon what terms; and if such defendant shall upon trial alledge to have paid for the service of such slave or any part thereof, and cannot as in other cases prove the same, and shall say so upon oath, the plaintiff shall then declare upon oath whether he or she has received the monies due for the service of such slave or any part thereof, and what part.

V. *And be it further enacted by the authority aforesaid,* That when any person authorized by said Commissioners to collect town money shall not pay the same to the said Commissioners at the time such payment ought to be made, and if any person who has heretofore been collector of said town money and has not settled and paid up, it shall and may be lawful for the said Commissioners, and they are hereby directed to apply to the county Court of New-Hanover for judgment against such collector and his securities, if any, for such monies that ought to be in his hands; which judgment the said Court shall grant at the same term application is made. *Provided always,* That such collector shall have five days notice in writing of such application previous to the sitting of said Court, and that such Collector shall be allowed for insolvents and all other just and reasonable allowances, to be judged of by said Court.

VI. *And be it therefore enacted by the authority aforesaid,* That the Commissioners of the said town shall on the third Monday of December in every year, publish at the court-house in said town, an account of the monies by them received and which they ought to receive, and how such monies accrue, and how they have disposed of the same, particularly specifying to whom payments may be made, and what for, under the penalty of ten pounds, to be paid upon conviction in New-Hanover county Court, or Wilmington district Superior Court, upon indictment or presentment of the Grand-Jury, and applied to the use of the poor of the county of New-Hanover, in said town.

VII. *And be it further enacted by the authority aforesaid,* That forfeitures under this act shall be recoverable by warrant as prescribed by the fourth section of an act passed in the year one thousand seven hundred and ninety-five, entitled "An act for the better regulation of the town of Wilmington," except where another method is herein directed, saving the right of appeal to New-Hanover county Court; and if any person shall in any case whatever think himself aggrieved or injured by the decision of said county Court, such person may appeal to the Superior Court
for

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for Wilmington district, which the county Court shall grant upon the person applying, giving bond and security as in other cases.

VIII. *And be it further enacted by the authority aforesaid,* That the Commissioners of the said town shall not enforce their orders or lay a penalty exceeding five pounds.

IX. *And be it further enacted by the authority aforesaid,* That all laws and parts of laws coming within the purview or meaning of this act, shall be and the same are hereby repealed and made void.

C H A P. LXVI.

An Act for the further regulation of the Town of Newbern.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That the Commissioners of the town of Newbern are hereby authorized and required to erect fire companies in said town, and to oblige the inhabitants to keep a sufficient number of fire buckets with their names thereon, to be ready in case of fire.

II. *And be it further enacted,* That when any alarm of fire shall be given, all persons inhabitants of said town, liable to do militia duty, those exempted by age only excepted, shall be bound to repair to said fire, taking with them their fire buckets, and there render their assistance for the extinguishment of said fire and other services incident thereto, under the direction of the officers of the fire companies, under the penalty of forty shillings for every neglect or refusal, for the use of the town. *Provided,* That if said person so failing make reasonable excuse on oath for such failure, he shall be released from such penalty.

III. *And be it further enacted,* That in case of a fire breaking out and spreading so as imminently to endanger or threaten the destruction of the adjoining houses, two of the officers of the fire companies together with one or more of the Commissioners of said town, or one or more Justice of the Peace, shall, and they are hereby declared to be vested with full and complete power and authority to direct and cause such house or building or any adjoining one to be blown up with powder or otherwise destroyed, to prevent the flames from spreading, and shall not be held or deemed responsible or liable for any loss or damage sustained thereby.

IV. And whereas the establishment of a night watch would tend to the safety and security of the mercantile as well as the landed interest in said town, *Be it therefore enacted,* That the said Commissioners are hereby authorized to levy a tax on each shop-keeper or person retailing goods or merchandize not more than four pounds, nor less than one pound, in any one year, which tax shall be applied together with a sum raised for that purpose by a tax on the lots and polls of said town, in manner as heretofore by law directed, as a fund for the support of a night watch, procuring engines, public ladders and lamps. *Provided nevertheless,* That if said Commissioners shall be of opinion that it would be more convenient and agreeable to the inhabitants of said town to perform the service of watching in companies of themselves than to hire a watch to be paid by a tax levied as above, the said Commissioners in such case are hereby empowered and required to class the said inhabitants in companies for the purpose of watching, of such number that no person shall be called on or be subject to perform such duty more than one night in any one month. And if, during the continuance of such regulation, any person duly notified of the night on which the class to which he belongs is to watch, shall neglect to attend at the hour and place appointed, and duly to watch during said night, such delinquent shall forfeit the sum of twenty shillings. *Provided always,* That it may be lawful for any person not willing to perform such personal service of watching, to discharge himself therefrom by the payment of ten shillings for each month said regulation shall continue; which said payment shall be made on the first day of the month, in order that said Commissioners may have due time to hire fit persons to watch in the stead of those so declining to serve.

V. *And be it further enacted,* That the Commissioners of said town, at their first meeting after the passing of this act, and at the first meeting after their annual election hereafter, shall appoint some one of their body to act as Intendant of Police of said town until the succeeding election, whose duty it shall be to see the ordinances duly and faithfully executed, and punish offenders; and he is hereby authorized to issue his warrant directed to the Sheriff or Constable of Craven county, to bring the offenders against the rules, regulations and ordinances of said town before him, and on their conviction, which shall be in the manner of trials before Justices of the Peace, the said Intendant is hereby authorized to give judgment and execution agreeably to the laws heretofore established for the improvement and government of said town.

VI. *And be it further enacted,* That the said Commissioners shall not for any one breach of their ordinances have power to levy a greater penalty than five pounds, and all fines levied and collected under their authority, shall be for the use of said town.

VII. *And be it further enacted,* That the Commissioners of said town be and they are hereby authorized to open a street from Pollok-street to Neuse road, by continuing George-street through lots number three hundred and eighty-one on the east side thereof, and lot number two hundred and eighty-five parallel with the western line of lot number three hundred and eighty; and the said Commissioners are hereby authorized to convey to the proprietors of said lots, such part of Queen-street as may be between Broad-street and Pollok-street, not included in Jones-street

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when continued, in consideration of the said proprietors conveying for the use of the town, such part of said lots as may be taken off by Jones-street when continued to Neuse road.

CHAP. LXVII.

An Act for the better regulation of the Town of Edenton.

WHEREAS the laws heretofore made for regulating the town of Edenton, have proved defective and inconvenient;

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That five Commissioners for the town of Edenton shall as formerly be annually chosen on the first Monday in April, and the Sheriff of Chowan county or his deputy, first giving ten days notice, is hereby required to attend at the court-house on the same day and at the hour of ten o'clock in the morning, to open the poll and receive the tickets in the presence of two Inspectors being freeholders of said town, and when the election shall be finished such returning officer and Inspectors shall, in the presence of such persons as choose to attend, examine and number the ballots, and the persons having the greatest number of ballots shall be declared duly elected, but when any two or more persons shall have an equal number of votes, the returning officer shall have the casting vote, but shall not in any other case whatsoever give his vote, and shall proclaim the Commissioners for the ensuing year, under the penalty of fifty pounds for every neglect or refusal, to be recovered by action of debt in the Court of Chowan county, by any person who shall sue for the same, in one year after such refusal or neglect, one half to the prosecutor, the other half to the Treasurer of the town for the use of the town; and the Commissioners so chosen, shall before they enter on the execution of their office, take the following oath: "I, A. B. do swear that I will faithfully discharge the office of Commissioner for the town of Edenton agreeably to law, and to the best of my knowledge and judgment, SO HELP ME GOD."

II. *And be it further enacted,* That no person shall be deemed qualified to act as Commissioner of the town of Edenton, unless he has a lot or piece of ground in his own right in fee, in the said town, valued with the improvements thereon, at one hundred and fifty pounds; and that all the freemen who have been inhabitants of said town twelve months next before and at the day of election, and shall have paid public taxes since their residence therein, shall be entitled to vote for the Commissioners of the said town, and no others.

III. *And be it further enacted,* That the Commissioners shall appoint one of their body to act as Treasurer of the town for that year, to receive and account for the town monies, for which a regular entry shall be made in a book kept for that purpose; and upon the appointment of a new Treasurer the old one shall immediately pass his accounts with him, and pay and balance that which may be in his hands. *Provided,* That before such Treasurer enters on his office, he shall give bond with approved security to the Commissioners, for the faithful discharge of his duty.

IV. *And be it further enacted,* That the Commissioners of the said town shall appoint a proper person to be their Clerk of said town, to act as such during their pleasure, who shall be allowed a reasonable salary, and enter into bond to the Commissioners and their successors, with sufficient security, in the sum of two hundred pounds, for the due and faithful execution of his office and the trust reposed in him for the safe keeping of the books and papers put into his care and keeping, a regular and fair journal of the proceedings of the Commissioners during his continuance in office, and all persons shall have free access to the journals and papers on paying two shillings to the Clerk, under the penalty of forty shillings for every refusal, to be recovered before a Justice of the Peace for the county of Chowan, by any person who shall sue for the same within one month after such refusal, one half to the prosecutor, the other half to be paid to the Treasurer of the town, for the use of the said town.

V. *And be it further enacted,* That the Commissioners of said town shall be and they are hereby incorporated into a body politic and corporate by the name of the Commissioners of Edenton, and by that name to have annual succession by the election of the freeholders and freemen as by this act directed, and a common seal; and that they and their successors by the name aforesaid, shall be able and capable in law to have, purchase, receive, possess and retain to them and their successors forever, in trust for said town, any land, rents and tenements of whatsoever kind, nature or quality, and also grant, demise, alien or dispose of the same; also to receive and take any gift or donation whatsoever to said town; and also by the same name to sue and implead, be sued and impleaded, answer and be answered in all Courts whatsoever; and from time to time and at all times hereafter, under their common seal, to make such rules, orders and regulations as to them shall seem meet, for repairing the streets, erecting public pumps and wharves, regulating market places, weights and measures, and the price of bread once in every month according to the price of flour, to cause all nuisances to be removed from private lots, to appoint twelve persons annually, in the month of April, inhabitants of said town, whose duty it shall be to work the fire engine at least once in every month under the penalty of twenty shillings for each neglect, which persons shall be exempt (except in case of insurrection or invasion) from all other public services during the continuance of their appointment, to alter or destroy chimnies, and to make such other regulations as necessary to avoid the destruction of houses or other property by fire, to prevent hogs and goats running at large, discharging of fire arms (except on muster days or other public

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public service,) and straining of horses in the streets, and such other rules and ordinances as may tend to the advantage and good government of said town, and full power to enforce a compliance and observance to all such rules by laying fines and penalties not exceeding five pounds for each offence, and the expences of the Commissioners in carrying such rules and ordinances into effect, and in case a slave shall be the offender, not exceeding twenty lashes, warrants to issue in all cases from the Commissioners and be tried before a Magistrate, subject to appeal by either party. *Provided*, That such rules and ordinances are not inconsistent with the constitution and laws of the land.

VI. *And be it further enacted*, That if any of the Commissioners before the annual election, should die, remove out of the town, or refuse to act, the remaining Commissioners shall elect and choose others; which said Commissioners so chosen and qualified, shall have the same powers as the Commissioners by this act appointed.

VII. *And be it further enacted*, That the Commissioners shall annually levy a tax not exceeding the rate of ten shillings on each hundred pounds value of taxable property within said town, and a poll tax of ten shillings on all free persons liable to a public poll tax, which tax shall be collected by the collector of public taxes, who shall give bond and security to the Commissioners, in the sum of three hundred pounds, for the faithful collection and payment of the same to the Treasurer of the town, on or before the first day of November, in each year, deducting such commissions as are allowed for the collection of public taxes; and on refusal or neglect to account for the same, it shall be lawful, on motion of the Commissioners or Treasurer, for the Superior Court of Edenton district, or county Court of Chowan, to give judgment and award execution against the body, or goods and chattels, lands and tenements of said collector and his securities. *Provided*, That such collector shall have ten days previous notice of such motion.

VIII. *And be it further enacted*, That every owner (or his agent) of taxable property in said town, shall annually at the time he or she shall give in his or her taxable property, to be assigned for the use of the state, distinguish in the list he or she shall return what part thereof is situated within said town; and if any owner shall fail so to do, the Commissioners shall and may order the town tax to be levied for the double of the amount of the taxable property of the person so failing as aforesaid; and if any person liable by this act shall refuse or neglect to pay the said tax, the collector shall levy the same by distress and sale of said person's goods and chattels, lands and tenements, and receive twenty shillings for each distress and no more, and the said Commissioners are authorized to grant deeds for any lot or lots sold as above.

IX. *And whereas many difficulties have arose respecting the lines describing the lots in said town: For remedy whereof, Be it further enacted*, That after the passing of this act, the posts standing at the four corners of King and Broad-streets, shall be the proper station to begin the admeasurement of the lines each way of all lots in said town.

X. *And be it further enacted*, That the Commissioners may rent out all public lots, or commons, or buildings, on lease for any term not exceeding fifteen years.

XI. *And be it further enacted*, That it shall not be lawful for any slave in the town to hire him or herself out, or exercise any trade or occupation without first producing a permission in writing, from the owner or other person having the management of such slave, directed to the Commissioners of said town, who shall thereupon (if there is no just cause to the contrary) cause the said permission to be filed, and a licence under their hands and seals deliver to such slave to hire him or herself out for any term not exceeding twelve months; and each owner of such slave shall pay or cause to be paid to the Clerk on delivery of the licence, a fee for his own use of one shilling for each licence, and to the Treasurer for the use of the town, the following sums, for each woman slave one shilling per month, for each labouring man one shilling per month, and each tradesman two shillings per month, which sums shall be paid in advance agreeably to the length of time for which the licence may be granted: and if any person shall suffer his or her slave to hire him or herself out, or follow any trade or occupation contrary to this act, such person shall for each offence forfeit and pay the sum of five pounds, one half to the prosecutor, the other half to the use of the town; and if any slave shall hire him or herself out without consent of his owner, such slave shall receive not exceeding twenty lashes. *Provided*, That nothing herein contained shall extend or be construed to prohibit any person or persons from hiring out their slaves, or employing such slave in exercising any trade or occupation under the immediate direction of their owners, so that such slave be not permitted to receive the wages contracted for, but in all cases the owner or the person having care of such slave shall make the contract and receive the monies arising therefrom.

XII. *And be it further enacted*, That in all acts of the said Commissioners a majority of them shall constitute a quorum for the purposes intended by this act.

XIII. *And be it further enacted*, That the Treasurer shall annually, in the month of April, publish an accurate account of the receipts and expenditures of public money, under the penalty of ten pounds, to be recovered by any person who shall sue for the same, one half to the prosecutor, the other half to the use of the town.

XIV. *And be it further enacted*, That this act shall take place and be of effect from and after the first day of April next; and that all acts and parts of acts heretofore made for the regulation of the town of Edenton, shall from and after that day be repealed and made void.

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CHAP. LXVIII.

An Act for the better regulation of the Town of Pittsborough, in Chatham county.

I. **BE** it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That Winthrop Stedman, Charles Chalmers, William Scurlock, James Baker, William Warden, James Massey, George Dismux and William Bingham, be and they are hereby appointed Commissioners of the town of Pittsborough, in Chatham county; and that the said Commissioners or a majority of them, shall have the same powers and authorities as were vested in the Trustees constituted by an act entitled "An act for establishing a town on the lands of Mial Scurlock, deceased, in Chatham county," and are vested in the Commissioners appointed by an act entitled "An act for establishing a town on the lands late the property of William Petty, adjoining Chatham court-house," as laid off by the Trustees named in the act of the last General Assembly, entitled "An act for establishing a town on the lands of Mial Scurlock, deceased, in Chatham county, for appointing Commissioners for the regulation of said town, and repealing said act." And the said Commissioners by this act appointed, and their successors, shall be and are hereby incorporated into a body corporate and politic by the name of the Commissioners of the town of Pittsborough, and by that name shall have succession by election, in the manner herein after directed, and a common seal; and they and their successors by the name aforesaid, shall be able and capable in law to purchase, have, hold, receive and possess to them and their successors forever, in trust for the said town, any lands, rents or tenements of what kind, nature or quality soever; and also to grant, sell, alien, devise and dispose of the same, and to receive and take any gift or donation whatsoever to the said town, and to sue and be sued, plead and be impleaded, answer and be answered in all Courts of record whatsoever. And the said Commissioners by this act appointed, or a majority of them, shall have full and ample power and authority to appoint a Treasurer, Clerk, Constable, town patroles, and such other officer as may be necessary; which said Treasurer, Clerk and any other officer or officers that the said Commissioners by this act appointed, or a majority of them may direct, shall enter into bond with such security as they or a majority of them shall require for the due and faithful execution of their offices, and from time to time and at all times hereafter to make such bye-laws, rules, orders, regulations and ordinances as may tend to the advantage, improvement and good government of the said town and town commons, and prevent any encroachments thereupon; and the said bye-laws, rules, orders, regulations and ordinances, from time to time to alter, change, amend and discontinue, as the said Commissioners or a majority of them shall deem necessary; and to enforce a compliance and observance to such bye-laws, rules, orders, regulations and ordinances, by laying fines and penalties on those persons who refuse or neglect to conform thereto, not exceeding five pounds; which said fines and penalties shall be recovered by warrant before any two of the said Commissioners by this act appointed, in the same manner as recoveries are had before a single Justice, subject nevertheless to such appeal of any person or persons who shall be dissatisfied with the judgment given by any two of the said Commissioners, to the county Court of Pleas and Quarter-Sessions for Chatham county, as by law is allowed in other cases. And if any slave shall offend against the said bye-laws, rules, orders, regulations or ordinances, such slave shall on conviction before any two of the Commissioners, be punished not exceeding thirty-nine lashes.

II. *Be it further enacted*, That in case of the death, refusal to act, or removal above two miles out of the said town, of any of the Commissioners by this act appointed, the inhabitants of the said town shall within one month after such vacancy, assemble (ten days previous notice being first set up at the most public place in the said town) and elect some person being an inhabitant of the said town, or living not above two miles therefrom, in the room and stead of him so dying, refusing to act, or removing as aforesaid; which person so elected and qualified, shall have the same powers and authorities as if he had been by this act expressly named and appointed.

III. *Be it further enacted*, That the Commissioners by this act appointed or a majority of them, shall have full power and authority and they are hereby directed and required annually to lay a tax not exceeding three shillings on every hundred pounds value of taxable property within the said town, and so in proportion for a greater or less value of all improved lots, and a tax of one shilling on all and every of the lots in the said town which are not improved; and all and every of the inhabitants of the said town who do not possess any property therein, and shall pay annually a poll tax equal to the tax on one hundred pounds value of taxable property in the said town; which said taxes shall be collected by such person or persons as the said Commissioners or a majority of them shall for that purpose appoint; and the collector or collectors to be appointed as aforesaid, is and are hereby empowered and directed to collect and make distress for the same in like manner as collectors of public taxes, and the monies arising therefrom shall by him or them be paid to the Treasurer of the said town, to be by the Commissioners thereof, or a majority of them, applied and laid out in such manner for the benefit and improvement of the said town, as they or a majority of them shall deem necessary: and all persons who have been resident six months in the said town shall be deemed inhabitants thereof, and liable to pay taxes as aforesaid.

IV. *And*

IV. *And be it further enacted*, That so much of the before recited acts and all other acts as come within the purview or meaning of this act, be and are hereby repealed and made void.

C H A P. LXIX.

An Act to regulate the Town of Concord, in the county of Cabarrus.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the county Court of Cabarrus shall have full power and authority, and they are hereby required to appoint three Commissioners who shall be styled and known by the name of the Commissioners of the town of Concord, who shall have full power and authority to make, ordain and establish such rules and regulations for the clearing out the streets and town commons, and for such other matters and things as the said Commissioners may think conducive and proper for the advancement and promotion of the said town.

II. *And be it further enacted*, That any person or persons violating or disobeying the rules and regulations hereby intended to be imposed by the said Commissioners, shall be subject to such fines and forfeitures, and recovered by such means as the said Commissioners may think proper to establish. *Provided always*, That the Commissioners aforesaid, shall submit such bye-laws, rules and regulations to the Court of the said county; and after being approved of by them, and advertised by the Commissioners aforesaid, twenty days at the said court-house, shall be binding and obligatory, and not before.

C H A P. LXX.

An Act to amend an act entitled "An act for the better regulation of the Town of Germanton, in the county of Stokes," passed in the year one thousand seven hundred and ninety-four.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That Constantine Ladd, Andrew Bowman, Benjamin Forsyth, Anthony Bitting and Itham Vest, be and they are hereby appointed Commissioners for the town of Germanton aforesaid, who shall possess all the powers and authorities which the Commissioners under the before recited act had a right to enjoy and exercise; and in case any of the said Commissioners should die, remove or refuse to act, the remaining Commissioners shall and may elect one or others in the place or room of him or them so dying, removing or refusing to act, who shall possess the same powers and authorities as those herein before appointed.

II. *And be it further enacted*, That so much of the act entitled "An act for the better regulation of the town of Germanton, in the county of Stokes," passed in the year one thousand seven hundred and ninety-four, as comes within the purview and meaning of this act, be and the same is hereby repealed and made void.

C H A P. LXXI.

An Act to amend an act entitled "An act to establish a Town laid off at Guilford court-house, by the name of Martinville."

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the Commissioners heretofore appointed for the further designing, building and improving of said town, or a majority of them, are hereby required and directed to convene so soon as may be convenient, and shall thereafter meet so often as they or their successors in office may think expedient, in said village, and when convened shall have full power and authority to pass such necessary laws, rules and regulations as may be thought meet by the said Commissioners, for the better regulation and safety of said town. *Provided*, That no such laws or regulations be inconsistent with the existing laws of the state.

II. *And be it further enacted*, That the before recited act so far as it comes within the meaning and purview of this act, be and the same is hereby repealed and made void.

C H A P. LXXII.

An Act to establish a Town on Hardy Parker's land on Black river, in the county of New-Hanover.

WHEREAS the situation at the confluence of the widow Moore's creek and Black river is healthy and convenient for trade, and the establishment of a town thereon would be attended with beneficial effects: Therefore

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, James Bloodworth, Pettigrew Moore and John Devane, be and they are hereby constituted Commissioners, with full powers and authorities to lay off and establish a town on Hardy Parker's land on Black river, which said town shall be called and known by the name of Parkersborough.

II. *And be it further enacted by the authority aforesaid*, That thirty-two acres of land belonging to Hardy Parker aforesaid, situated as aforesaid, shall be laid off into lots of one quarter of an acre each, with proper streets and alleys; which lots shall be sold by the Commissioners to the best advantage, for the sole use and benefit of the said Hardy Parker. *Provided nevertheless*, That the right of making titles to the lots aforesaid, shall remain in the said Hardy Parker.

CHAP.

C H A P . LXXIII.

An Act to enlarge the Town of Murfreesborough.

WHEREAS it is represented to this General Assembly by petition of Colonel Hardy Murfree, that he has laid off a number of lots adjoining the town of Murfreesborough, on Meherrin river, part of which lots he has since sold, and that it is the wish of the proprietors of said lots that they should become a part of the said town ;

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That the lots so laid off or which shall be laid off adjoining the said town by the said Hardy Murfree, shall be deemed and considered as part of the said town, and be subject to the same rules and regulations as the lots heretofore laid off by the Commissioners appointed by an act passed in the year one thousand seven hundred and eighty-six, entitled "An act for establishing a town on the lands of William Murfree, on Meherrin river, in the county of Hertford."

C H A P . LXXIV.

An Act to repeal an act passed in the year one thousand seven hundred and ninety-seven, entitled "An act to continue in force an act entitled An act for the regulation of the City of Raleigh, passed in the year one thousand seven hundred and ninety-four," and to alter and amend the last mentioned act.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That an act passed in the year one thousand seven hundred and ninety-seven, entitled "An act to continue in force an act entitled An act for the regulation of the city of Raleigh, passed in the year one thousand seven hundred and ninety-four," be and the same is hereby repealed and made void.

II. *And be it further enacted,* That on the third Saturday in January, in the year one thousand seven hundred and ninety-nine, and on the third Saturday in January, in each and every year, there shall be an election at the court-house in the city of Raleigh, for seven Commissioners of the said city, under the rules, regulations and penalties prescribed by an act passed in the year one thousand seven hundred and ninety-four, for the regulation of the city of Raleigh ; and the Commissioners so elected, shall thereupon qualify ; and the power of the present Commissioners shall cease upon the qualification of the new ones chosen as aforesaid, or a majority of them.

III. *And be it further enacted,* That the said Commissioners or a majority of them, shall annually levy a tax not exceeding ten shillings on every hundred pounds value of taxable property within the said city, and a poll tax not exceeding ten shillings on all persons who shall have resided six months in said city.

IV. *And be it further enacted,* That so much of the aforesaid act, passed in the year one thousand seven hundred and ninety-four, for the regulation of the city of Raleigh, as is repugnant to this law, be and the same is hereby repealed ; and all and every other part of said act is hereby continued in force and made perpetual.

C H A P . LXXV.

An Act to empower the Commissioners of the City of Raleigh to lay off and appropriate part of the public land adjoining the said City, for a burying ground.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That the Commissioners of the city of Raleigh, be and they are hereby authorized and empowered to lay off and appropriate a lot not exceeding four acres of the public land adjoining said city, for the sole and exclusive use and purpose of a public burying ground ; which lot of ground when so laid off and recorded in the books of the Board of Commissioners aforesaid, shall be for the sole use aforesaid, and no other.

C H A P . LXXVI.

An Act to repeal an act entitled "An act to appoint Commissioners to purchase land for a town and town common, in the county of Rockingham, by the name of Wentworth, and for establishing the court-house in said town."

WHEREAS the operation of the before recited act is contrary to the wish of a majority of the inhabitants in said county, and having by their petition solicited this General Assembly to repeal the same, and to have a town laid off at the present court-house, on the lands of Robert Gallaway, Esquire ;

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That the before recited act and every part and clause thereof be and the same is hereby repealed and made void.

II. *And whereas* Robert Gallaway hath signified his willingness by an instrument in writing under his hand and seal, to bestow to the use of the county one hundred acres of land to be laid out and erected into a town and town common ; *Be it further enacted by the authority aforesaid,* That William Bethell, Joseph Clark, James Patrick, Nathaniel Seales and Joshua Smith, Esquires, be and they are hereby appointed Trustees and Directors for the designing and laying off of the same, and they or a majority of them are hereby authorized and empowered to receive from Robert Gallaway, Esquire, a deed in fee-simple for one hundred acres of land including the

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the present court-house, and the said land so to lay off and establish into a town and town common; which town when so established, shall be called and known by the name of Wentworth.

III. *And be it further enacted,* That the said Trustees and Directors or a majority of them, shall as soon as may be after the passing of this act, lay off such a number of lots, each to contain one acre or land, as they may deem necessary, and cause a direct plan thereof to be made, and therein to insert, mark or number to each lot to laid out with convenient and suitable streets not less than eighty nor more than an hundred feet wide.

IV. *And be it further enacted,* That the same when so apportioned into lots, they the said Trustees and Directors or a majority of them, shall cause to be sold at public auction for the best price that can be got, first having advertised the same for at least sixty days; and the lots so sold or disposed of by the said Directors or a majority thereof, who are hereby fully authorized and empowered to make all necessary deeds and conveyances to secure the fee-simple of the said lots to the purchasers; and a majority of the said Trustees are hereby declared competent to all the purposes and authorities intended and given by this act.

V. *And be it further enacted,* That the money arising from such sale or sales so disposed of by the Directors, shall be paid by them without delay to the county Treasurer, in order to be appropriated to the use and benefit of the county at large, as the court shall from time to time direct. *Provided,* That there shall be a majority of the justices in court when such appropriation shall be made.

VI. *And be it further enacted,* That the springs and water courses in the said town shall be reserved for public use; and the inhabitants thereof shall have free egress and regress to and from the same by such streets and alleys as shall be deemed and laid off to be most convenient, by the Trustees aforesaid; any law or usage to the contrary notwithstanding.

C H A P. LXXVII.

An Act to establish two other separate elections in the county of Wilkes.

I. *BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That hereafter the Sheriff of Wilkes county shall, on the Monday preceding the days pointed out for holding the annual elections in this state, open and hold an election at the dwelling-house of William Dula, and on the Friday following at the house of Joseph Woodfork, on Roaring river, and the suffrages given in at the said elections shall be counted out at the place where they shall be taken; and a statement of said polls shall be transmitted to the court-house, and there added to the votes taken for the county at large; and the said elections shall be conducted in the same manner and under the same rules, regulations and restrictions as all other elections are done in this state.

II. *And be it further enacted,* That nothing herein contained shall operate against the holding of the elections heretofore established in said county, in the same manner as they have always been conducted.

III. *And be it further enacted,* That any person voting at more than one of the elections held in said county, and shall be convicted thereof, shall forfeit and pay the sum of five pounds, to be recovered by any person suing for the same.

C H A P. LXXVIII.

An Act to repeal an act passed in the year one thousand seven hundred and ninety-six, entitled "An act to repeal part of an act passed in the year one thousand seven hundred and ninety-two, entitled An act to grant two separate elections and general musters in Currituck county."

I. *BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the before recited act passed in the year one thousand seven hundred and ninety-six, and every part thereof; be and the same is hereby repealed and made void, so far as it relates to elections. *Provided nevertheless,* That the elections by the said act of one thousand seven hundred and ninety-two, directed to be holden at Hezekiah Earrows, shall in future be held at the house of Ezekiel Hooper, at Cape-Hatteras and Kennykeet banks; any thing to the contrary notwithstanding.

C H A P. LXXIX.

An Act for granting the inhabitants of Bladen county a separate general muster and election.

WHEREAS it is represented to this General Assembly, that the large extent of the county of Bladen renders it inconvenient for many of the inhabitants in the back part thereof, in attending at the court-house, at their general musters and elections: For remedy whereof,

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, that the inhabitants living south-west of the western prong and White marsh, in the county of Bladen, shall be entitled to a separate general muster, and they are hereby constituted into a battalion for that purpose.

II. *And be it further enacted,* That John Yates, Esquire, Thomas Sessions, Esquire, Goolf-berry Flowers, John Wingate and Simon Green, be and they are hereby appointed Commissioners to fix and settle on some convenient place at or near the centre of said battalion, for the purpose of exercise; and that some one field-officer of the regiment of the county aforesaid, shall be and they are hereby required to attend at the said place when fixed on, for the purpose of training

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ing and exercising the militia of said battalion agreeably to the rules and regulations for the organizing and disciplining the militia of this state.

III. *And be it further enacted*, That the inhabitants living south-west of the western prong and White marsh as aforesaid, shall have the privilege of a separate election for the purpose of giving in their suffrages for members of the General Assembly, also a representative in the Congress of the United States, and an elector, at the place so appointed by the Commissioners aforesaid.

IV. *And be it further enacted*, That it shall be the duty of the Sheriff of the county of Bladen, or his lawful deputy, to open a poll and hold an election at the place which shall be so fixed by the Commissioners aforesaid, to vote for members of the General Assembly of this state, at the hour of eleven o'clock on the Tuesday preceding the second Thursday and Friday in August, in every year, and to keep the same open until sunset of the same day; at which time and place it shall be lawful for the inhabitants living south-west of said western prong and White marsh, to give in their votes for persons to represent the said county in the Senate and House of Commons of this state agreeably to the constitution and laws thereof, and after the poll is closed the Sheriff or his deputy as aforesaid, shall in presence of the Inspectors and such other persons as choose to attend, open the boxes and count the tickets in the same manner as is practised at the annual elections held at the court-house, a correct statement of which shall be transmitted by said Sheriff or his deputy to the court-house, and make a part of the poll of election for said county, and be added to those given in at the court-house, and the candidates having the greatest number of all such suffrages shall be duly elected as the law in that case directs.

V. *And be it further enacted*, That if any person who shall give his vote at the separate election established by this act, and shall afterwards in the same year give another vote at the court-house, he or they so offending shall forfeit and pay the sum of five pounds, to be recovered before any Justice of the Peace of the county thereof, and applied to the sole use of any person suing for the same; any thing to the contrary notwithstanding.

CHAP. LXXX.

An Act to alter the time of holding the separate elections in the county of Craven.

I. *BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That the separate elections in the county of Craven shall hereafter be holden on the following days, to wit: the election at Smith's creek, on the Saturday instead of the Monday preceding the day of holding the election at the court-house in said county; and the election at Coxe's ferry shall hereafter be holden on the Tuesday instead of the Wednesday preceding the day of holding the election at the court-house in said county; any law to the contrary notwithstanding.

CHAP. LXXXI.

An Act establishing a separate election on the south side of the Yadkin river, in the county of Surry.

I. *BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That Francis Poindexter, Job Martin, William Elliott, William Cook, jun'r. James Desriele, Josiah Roughter, and Daniel Biles be and they are hereby appointed Commissioners to fix on a proper place for holding said election, on the south side of the Yadkin river, in the county of Surry, who shall meet at such time and place as they shall judge most convenient, and when they or a majority of them shall have fixed on a proper place for holding the said election, to make report of such their proceedings to the next court of the county which shall happen thereafter, which report shall be filed in the Clerk's-office.

II. *And be it further enacted by the authority aforesaid*, That it shall be lawful for the Sheriff by himself or lawful deputy, to open and hold an election at the place appointed by the above recited Commissioners, on the day preceding the annual election as now established by law, and shall at four o'clock in the same day close the poll and cause the boxes to be sealed up in the presence of the Inspectors, and the same safely keep in his possession, and convey to the court-house in Rockford on the ensuing day, with a list of the names of the voters who shall have voted at such election.

III. *And be it further enacted*, That the election at the court house shall be opened and held on the days heretofore appointed, under the rules and regulations pointed out by law, and when the said election shall be closed, the boxes containing the votes of each election, separately shall in the presence of the Sheriff and Judges be counted in the same manner as heretofore. *Provided*, That nothing in this act shall prevent any person from voting at either election, who has not voted at the other.

IV. *And be it further enacted*, That if any person shall vote at either of the aforesaid elections, who shall have previously voted at the other, shall forfeit and pay the sum of five pounds, to be recovered by any person who will sue for the same.

CHAP. LXXXII.

An Act to establish a separate election on the north side of Dan river, in the county of Stokes.

I. *BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That Joseph Cloud, Thomas Gainer, John Bostick, Antho-

ny Deering and Jacob Nelson, be and they are hereby appointed Commissioners to fix on a proper place the most central as well as convenient for holding the said election, on the north side of Dan river, in the county of Stokes aforesaid, who shall meet at such time and place as they shall judge most convenient; and when they or a majority of them shall have fixed on a proper place for holding the said election, to make report of such their proceedings to the next court of the county which shall happen thereafter, which report shall be filed in the Clerk's-office.

II. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the Sheriff, and he is hereby required by himself or his lawful deputy, to open and hold an election at the place appointed by the above recited Commissioners, on the day preceding the annual election as now established by law, under the same rules and regulations that are observed in other elections for members of the Assembly, representatives to Congress, and electors to choose a President and Vice-President of the United States; and shall at sunset of the same day close the poll and cause the boxes to be sealed up in the presence of the Inspectors, and the same safely keep in his possession and convey to the court-house in Germanton, on the ensuing day, together with a list of the names of the voters who shall have voted at such election.

III. *And be it further enacted,* That the election at the court-house shall be opened and held on the days heretofore pointed out by law, and when the said election shall be closed, the boxes containing the votes of each election separately, shall in the presence of the Sheriff and Judges be counted in the same manner as heretofore, and the persons having the greatest number of votes shall be declared duly elected. *Provided,* That nothing in this act shall prevent any person from voting at either election who has not voted at the other.

IV. *And be it further enacted,* That if any person shall vote at either of the aforesaid elections who shall have voted previously at the other, he shall forfeit and pay the sum of five pounds, to be recovered immediately by any person who will sue for the same; any law to the contrary notwithstanding.

C H A P. LXXXIII.

An Act to alter the place of holding the lower election in Northampton county.

WHEREAS it is found to be inconvenient for the inhabitants in the lower end of said county to attend the election held at Princeton: For remedy whereof,

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That in future the election heretofore held at Princeton, the place fixed by law, shall be held at the Cross-roads at Jacob Adams's, and shall be conducted in like manner and under the same rules and restrictions as pointed out by an act passed in the year one thousand seven hundred and ninety-five, for granting the inhabitants of Northampton county, the privilege of separate elections; and so much of the said act as comes within the meaning and purview of this act, is hereby repealed and made void.

C H A P. LXXXIV.

An Act to amend an act entitled "An act to establish a separate election and general muster in the county of Carteret," passed at Fayetteville, in the year of our Lord one thousand seven hundred and ninety-three.

WHEREAS it is represented to this General Assembly, by petition from a number of the inhabitants of said county, that altering the place of holding the said election and general muster from the house of Hillery Herbert to the house of Major Newel Bell, on the east side of Broad-creek, would be more convenient and better accommodate the citizens;

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the Sheriff of Carteret county, or his lawful deputy, shall annually on the last Thursday in July, open and hold an election at the house of Major Newel Bell, on the east side of Broad-creek, for the convenience of the voters of the upper part of said county. *Provided,* That nothing herein contained shall bar any person from voting at the election held at the court-house, that has not voted at any of the separate elections in said county.

II. *And be it further enacted,* That from and after the passing of this act, all that part of Carteret county, westward of New-Port river, shall be formed into a separate district, and shall hold their general musters at the plantation of Major Newel Bell, on the east side of Broad-creek, on such day as the commanding officer of said county may appoint for that purpose, under the rules and regulations directed by the militia laws of this state; and the Colonel or some one of the field-officers of the county aforesaid, shall attend at the separate and general musters appointed by virtue of this act; to make returns agreeably to law; any custom, usage or law to the contrary notwithstanding.

C H A P. LXXXV.

An Act to alter the places of holding elections in the county of Tyrrel.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the separate election heretofore held at the house of John Linerman, in the county of Tyrrel, shall be opened and held at the house of William Clayton; and also the separate election heretofore held at the house

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of John Foster to be removed and continue to be held at the house of Captain Isaac Patrick, at the Fort landing in said county, under the same rules, regulations and restrictions that were observed at the respective places previous to the removal of the places for holding said elections; any law, usage or custom to the contrary notwithstanding.

C H A P. LXXXVI.

An Act to amend an act passed at Raleigh, in the year one thousand seven hundred and ninety-five, granting separate elections to the county of Burke.

I. *BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the separate elections held for the upper end of Burke county, shall be on the Monday preceding the second Thursday and Friday in August in each and every year, at the usual place of holding said election, on the Catawba river, known by the name of Cathey's old fort; and on the Wednesday following, for the lower end of said county of Burke, at the usual place of holding said election at William Tucker's, on the lower creek, for the purpose of electing members for the General Assembly, and a member of Congress.

II. *And be it further enacted,* That the Sheriff of said county is hereby required to attend, by himself or his deputy, at each of the before mentioned places, for the purpose of conducting said elections; and he the said Sheriff or his deputy, shall cause the polls of each of the said elections to be opened at ten o'clock in the morning, and to remain open until five o'clock in the evening, at each separate election, at which time the poll shall be closed, and the Sheriff shall proceed to count the tickets in the presence of the Inspectors who shall have been appointed by the Court of said county, to superintend said elections; and the Sheriff shall then carry forward a certified copy of the list of said polls so taken at each of the before mentioned elections to the court-house in said county; and on the Friday following, the said Sheriff shall cause the polls to be closed at the court-house, at four o'clock in the evening, and proceed to count out the tickets as usual.

III. *And be it further enacted,* That if any person shall vote at any two of said elections, and shall be convicted of the same, the person so offending shall forfeit and pay the sum of ten pounds, to be recovered before any jurisdiction having cognizance thereof, the one half to the person suing for the same, and the other half to be applied to the use of the poor of said county.

IV. *And be it further enacted,* That the Court of said county is hereby required to appoint Inspectors and Clerks to attend at the before mentioned elections, and regulate the same.

V. *And be it further enacted,* That all clauses or parts of clauses of the before recited act, that come within the meaning and purview of this act, are hereby repealed and made void; any law to the contrary notwithstanding.

C H A P. LXXXVII.

An Act to establish a separate election in the county of Mecklenburg.

WHEREAS the inhabitants residing in the south-east corner of the county of Mecklenburg, composing the third battalion of militia of said county, experience great inconvenience in attending the annual elections at the court-house, occasioned by the great distance which they have to travel, being nearly forty miles, and the number of rapid water-courses they necessarily cross;

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the county of Mecklenburg shall have two separate elections, one at the court-house as usual, the other composing the third battalion of militia as aforesaid, to be held at the house of William Miller, on the Wednesday preceding the day of the annual election for members of the General Assembly, as established by law.

II. *And be it further enacted by the authority aforesaid,* That the Sheriff of said county shall advertise the election composing the third battalion aforesaid, agreeably to law, as in other elections, and shall by himself or his deputy attend, and after the Inspectors are appointed and sworn, cause the poll to be opened at eleven o'clock, which shall continue open until sunset; and in presence of the Inspectors shall seal up the boxes in which the tickets are, and the same have transmitted to the election held at the court-house by twelve of the clock of the last day of said election; which votes shall be counted and added to the votes the different candidates may have got at the election held at Charlotte, and the persons having the greatest number of votes shall be duly elected.

III. *And be it further enacted by the authority aforesaid,* That the persons not inclinable to vote for members of Assembly, representatives to Congress, and electors for choosing President and Vice-President of the United States, as they may do, shall have the privilege of voting for the same at the election held at the court-house.

IV. *And be it further enacted by the authority aforesaid,* That if any person should presume to vote at one of the elections, having voted at the other, he shall be subject to the penalty of five pounds, to be recovered before any Justice of the Peace of said county of Mecklenburg, the one half to the use of the informer, and the other half to the use of the poor in the county aforesaid.

C H A P. LXXXVIII.

An Act dividing the first regiment of militia in the county of Lincoln, into two battalions.

WHEREAS it is represented to this General Assembly that the muster ground now fixed by law, for the disciplining and marshalling of the militia in said regiment, is extremely inconvenient to many of the good people, and it further appearing that the said regiment is sufficiently numerous to compose two battalions;

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That the field officers of said regiment are hereby authorized and empowered to divide the same into two battalions, and to fix and settle upon some suitable and central spot in each, to muster and discipline the militia contained therein.

II. *And be it further enacted,* That the officers and privates in each of the battalions aforesaid, shall be compelled and obliged when noticed thereto, to muster and parade duly and legally equipped at their respective places, under all the penalties and forfeitures now by law prescribed for non-attendance at general musters; and the field officers of said regiment are required at each and every of the said musters to give their attendance, and to do and execute the duties incumbent on them.

C H A P. LXXXIX.

An Act to add part of the county of Craven to Lenoir.

WHEREAS from the memorial of Francis M^r Ilwean, it appears to the General Assembly that adding that part of the county of Craven to Lenoir, which lies in the fork of Neuse river and Stoneyton creek, would greatly relieve him the said Francis M^r Ilwean, without any inconsiderable injury to the county of Craven;

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That that part of the county of Craven lying within the following boundaries, be annexed to the county of Lenoir, to wit: Beginning on the river Neuse where the dividing line of the two counties crosses the same; thence running down the various courses of the river to the mouth of Stoneyton creek; thence up the various courses of Stoneyton creek to where the dividing line between the two counties crosses the same; thence along the same to the beginning on the river Neuse: and that the above described part of the county of Craven be hereafter a part of the county of Lenoir.

II. *And be it further enacted,* That nothing in this act contained shall be construed to prevent any officer of the county of Craven from collecting the taxes for the year one thousand seven hundred and ninety-seven; or any arrearages of taxes which at the time of passing this act may be due from any person, or for any property within the above described boundaries:

C H A P. XC.

An Act to amend an act to carry into effect an act for erecting part of the counties of Halifax and Tyrrel into one distinct county and parish, passed in the year one thousand seven hundred and seventy-four.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That the Surveyor of the county of Tyrrel; by himself or deputy, shall on or before the fifteenth day of January next ensuing, or as soon thereafter as possible, proceed and lay off a part of the half acre of public ground on which the court-house of said county stands, not exceeding sixty feet in width, at the extreme southern end thereof, parallel with the south-westernmost end, and to run the whole length of the said half acre, and the same to stake off in a notorious manner, under the penalty of twenty-five pounds, to be recovered by any person suing for the same, before any jurisdiction having cognizance thereof; one half to the person suing for the same, the other half to the use of the state; and the said Surveyor shall make a fair and correct plan thereof, and the same return to the Clerk of the Court of said county; who shall record the same and be allowed therefor by the Court; and the Surveyor on a receipt from the Clerk for the plan or plat aforesaid, shall receive from the county Treasurer out of the county tax, a sum adequate to his services, respect being had to the nature of the business, and the fees already established by law.

II. *And be it further enacted,* That it shall and may be lawful for all persons being inhabitants of said county of Tyrrel, to erect tents, booths or tables on the aforesaid lot of sixty feet, and thereat vend all manner of spirituous and fermented liquors and provisions (on public days only) for the accommodation of the inhabitants of said county, and others.

III. *And be it further enacted,* That so much of the act passed in the year one thousand seven hundred and ninety-six, to amend an act to carry into effect an act for erecting part of the counties of Halifax and Tyrrel into one distinct county and parish, passed in the year one thousand seven hundred and seventy-four, as comes within the purview and meaning of this act, shall be and the same is hereby repealed and made void.

C H A P. XCI.

An Act to establish a boundary line between Montgomery and Moore counties.

WHEREAS it appears that the boundary line between Montgomery and Moore counties has not been accurately run, and that the same is not on record;

I. *Be*

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That the county Surveyors of the said counties of Montgomery and Moore, be and they are hereby empowered and required to run and mark the dividing line between Montgomery and Moore counties, from the Randolph county line to the head of Drowning creek, agreeably to an act entitled "An act for erecting the upper part of Bladen county into a county and parish by the name of Anson county and St. George's parish," passed in the year one thousand seven hundred and forty-nine, and all other acts having reference to the same.

II. *And be it further enacted,* That if any disputes should arise between the Surveyors about running or ascertaining the said line, they are hereby empowered to call upon one person out of each of their respective counties, to act with them as Commissioners in adjusting, settling and removing the same; and that the line so run shall be deemed and held to be the dividing line between the counties aforesaid.

III. *And be it further enacted,* That the Surveyors and Commissioners aforesaid shall be allowed an adequate compensation for their service, and a further sum to chain-carriers and markers, to be assessed by the courts of the counties aforesaid, in equal proportion.

IV. *And be it further enacted,* That the Surveyors shall complete the business intended by this act, before the first day of April next.

V. *And be it further enacted,* That the course of said dividing line when run, shall be recorded in each of the courts of said counties, and registered in the Register's-office in each of the counties aforesaid.

C H A P. XCII.

An Act to authorise the Wardens of the Poor for the counties of Sampson and Perquimons, to lay a further tax.

I. *BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That the Wardens of the Poor or a majority of them, for the county of Sampson, be authorised to lay a further tax not exceeding one shilling on each and every poll, and four pence on every hundred acres of land, for the year one thousand seven hundred and ninety-eight and one thousand seven hundred and ninety-nine, to be collected and accounted for as taxes are heretofore collected.

II. *And be it further enacted,* That it shall and may be lawful for the Wardens of the Poor for the county of Perquimons, or a majority of them, as soon as they may deem it necessary, after the passing of this act, to proceed to lay a tax not exceeding six pence on each and every taxable poll, and six pence on each and every hundred pounds value of town property, and two pence on each and every hundred acres of land within the said county, to be levied, collected and accounted for as the law in such cases made and provided for.

C H A P. XCIII.

An Act to amend an act authorising the Trustees of the Lumberton Academy to lay off and sell part of said town commons to raise a fund for the purpose of building said Academy, passed in the year one thousand seven hundred and ninety-six.

WHEREAS no provision is made in the above recited act for the conveyance of the lots sold by virtue of said act: For remedy whereof,

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That the Sheriff of Robeson county is hereby empowered and required on application of any purchaser of said lots, to execute a deed or deeds for the same, and such deed or deeds when duly executed by said Sheriff, recorded and registered, shall convey an estate in fee-simple to the feeoffee; any law, usage or custom to the contrary notwithstanding.

C H A P. XCIV.

An Act for building a Prison or Goal in the Town of Hillsborough, for the district of Hillsborough and county of Orange.

I. *BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That Sterling Harris, Samuel Benton and Casslet Campbell or any two of them, be and they are hereby appointed Commissioners to act in conjunction with the Treasurer of public buildings for the county of Orange, for the purpose of erecting a good and sufficient prison on the public lot in the town of Hillsborough, the dimensions of which shall be at the discretion of the said Commissioners and Treasurer of public buildings.

II. *And be it further enacted,* That a tax of one shilling and six pence on each poll, a tax of six pence on every hundred acres of land, and a tax of one shilling and six pence on every hundred pounds value of town property in the county of Orange; and a tax of three pence on each poll, a tax of one penny on every hundred acres of land, and a tax of three pence on every hundred pounds value of town property in the counties of Granville, Wake, Chatham, Randolph, Caswell and Person, be and is hereby levied, and shall be collected in the year one thousand seven hundred and ninety-nine, by the Sheriffs of the respective counties, at the same time and in the same manner and under the same rules, regulations and restrictions, and with the same emoluments that public taxes are levied and collected; and shall pay and account for the same with the Treasurer of public buildings for the county of Orange aforesaid, and it shall be the duty of the

the said Treasurer and he is hereby required to enter up judgments against such Sheriffs as may fail to account and finally settle in due time, in any court of record having cognizance thereof.

III. And whereas it appears that there is at this time in the possession of the late Treasurer of public buildings aforesaid, six hundred pounds or thereabouts, for the purpose of building a prison for the county of Orange aforesaid; *Be it therefore enacted*, That the said sum of six hundred pounds shall be made a part of the expences for building said goal. *Provided always*, That should the money in the hands of the said Treasurer be short of six hundred pounds, the county court of Orange is hereby authorized and required to make up such deficiency by laying and collecting a tax therefor.

IV. *And be it further enacted*, That the said Treasurer of public building shall besides entering into bond with security; as Treasurer for his county, enter into another bond in the county court of Orange, with sufficient security, in the sum of three thousand pounds, payable to the Governor for the time being, for the faithful performance of his duty in building said prison.

V. *And be it further enacted*, That the said goal or prison when finished, shall be held and deemed the common goal for the district of Hillsborough and county of Orange; and shall be thereafter under the care and keeping of the Sheriff of the county of Orange aforesaid.

C H A P. XCV.

An Act granting certain privileges to the Seminary of learning in the county of Guilford.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*; That from and after the passing of this act, the students who now are or hereafter may be in the seminary of learning in the county of Guilford, under the direction of the Reverend David Caldwell, shall enjoy and exercise all the privileges and immunities that students in any chartered seminary in this state have by their charters heretofore granted, a right to possess and enjoy; any thing to the contrary notwithstanding.

C H A P. XCVI.

An Act granting certain privileges to the volunteer companies of infantry in Currituck county.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*; That the volunteer companies of infantry in Currituck county, shall from and after the passing of this act, have full power and authority to make all such laws, rules and regulations for their own government, as they or a majority of them shall devise. *Provided*, That such rules and regulations when made, shall not be repugnant to the laws or constitution of the state, or the United States; and that the said companies shall be governed by the field officers of the regiment, and in all respects subject to the orders and regulations of a battalion or regimental parade, but shall not be subject to do duty in any other company in said county; any thing to the contrary notwithstanding.

C H A P. XCVII.

An Act to prevent in future the improper conduct of owners of seins from obstructing the passage of fish up Cape-Fear, Deep and Haw rivers.

WHEREAS it hath been the practice of owners of seins to erect dams, hedges and other obstructions on the opposite side of the river where they usually hawl their seins, so as to reach the ends of said dams, and continue said seins for some time, at which time there is a total obstruction to the passage of fish: For remedy whereof,

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That all and every person or persons whatsoever, who shall hereafter hawl any sein across any of the rivers aforesaid, within twenty feet of any such dam, hedge or other obstruction, shall forfeit and pay the sum of five pounds for each and every offence so committed, to be recovered by any person suing for the same, and to be applied to his own use, either by warrant before a Justice of the Peace, or in any court of law, as the case may require.

II. *And be it further enacted by the authority aforesaid*, That all and every person or persons so offending hereafter, by obstructing seins across any of the aforesaid rivers, and thereby obstructing the passage of fish up the same, shall forfeit and pay the sum of fifteen pounds for every twenty-four hours, for each and every offence, to be recovered as aforesaid; any law to the contrary notwithstanding.

C H A P. XCVIII.

An Act to authorise the administrator or administrators of Thomas Wright, late Sheriff of New-Hanover county, to collect the arrears of taxes due to said Thomas Wright.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That the administrator or administrators of Thomas Wright, late Sheriff of New-Hanover county, shall be and are hereby authorized and empowered to collect the arrears of taxes due to the said Thomas Wright, in said county, for the years one thousand seven hundred and ninety-six and one thousand seven hundred and ninety-seven; and the said administrator or administrators shall be and are hereby vested with all and singular the powers and authorities for the collection of said arrears, with which the Sheriffs of the several counties

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of the state are vested by the several acts of Assembly, for the collection of public taxes : and the said administrator or administrators shall have power and authority to substitute with the powers aforesaid, the Sheriff of New-Hanover county, or any other person or persons to collect the said arrears of taxes, who shall be accountable to the said administrator or administrators for the same.

11. *And be it further enacted*, That if any person shall alledge to have paid the taxes for the years aforesaid, and shall have lost the receipt for the same, and cannot procure other testimony of such payment, such person shall be admitted to declare upon oath, whether he shall have paid the same or any part thereof, and what part, and shall thereby be exonerated from the payment of so much as he may so upon oath declare to have paid. *Provided nevertheless*, That this act shall not extend to affect the estate of any deceased person from whom such tax might have been due.

C H A P. XCIX.

An Act to empower John Spence West, Sheriff of Craven county, to collect the arrears of taxes due in said county, for the year one thousand seven hundred and ninety-seven.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That John Spence West, Sheriff of Craven county, be and he is hereby authorized and empowered to collect all arrearages of taxes due in said county, for the year one thousand seven hundred and ninety-seven, and the said John Spence West is hereby vested with all and singular the powers and authorities for the collection of said arrearages with which Sheriffs are now vested in such cases.

C H A P. C.

An Act to incorporate King Solomon's Lodge number eighteen, in Jones county, in this state.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That the Master, Wardens and Members who are at present or in future may be of King Solomon's Lodge number eighteen, of Jones county, are hereby constituted and declared to be a body corporate under the name and title of King Solomon's Lodge number eighteen aforesaid, and by that name shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, acquire and transfer property, and pass all such bye-laws and regulations as shall not be inconsistent with the constitution of this state, or of the United States.

C H A P. CI.

An Act to incorporate Johnston Caswell Lodge No. 10, of the town of Warrenton, in this state.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That the Master, Wardens and Members who at present or in future may be of Johnston Caswell Lodge, of the town of Warrenton aforesaid, are hereby constituted and declared to be a body corporate under the name and title of Johnston Caswell Lodge No. 10, and by such name shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, acquire and transfer property, and pass all such bye-laws and regulations as shall not be inconsistent with the constitution of this or of the United States.

C H A P. CII.

An Act to incorporate the Phoenix Lodge No. 8, of the town of Fayetteville, in this state.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That the Master, Wardens and Members who at present or in future may be of the Phoenix Lodge number eight, of the town of Fayetteville aforesaid, are hereby constituted and declared to be a body corporate under the name and title of the Phoenix Lodge number eight, and by such name shall have perpetual succession and a common seal, and may sue and be sued, implead and be impleaded, acquire and transfer property, and pass all such bye-laws and regulations as shall not be inconsistent with the constitution of this state, or of the United States.

C H A P. CIII.

An Act to secure to Elinor Perry, wife of John Perry, such estate as she may hereafter acquire.

WHEREAS it is represented to this General Assembly that John Perry hath for some time past absented himself from his said wife Elinor, and there is no expectation of a reconciliation, and having it in his power to deprive his said wife of such estate as she by her industry or otherwise may acquire,

I. *Be it enacted by the General Assembly of the state of North-Carolina; and it is hereby enacted by the authority of the same*, That from and after the passing of this act the said Elinor Perry shall be entitled to and possess in her sole right all such estate either real or personal as she may hereafter acquire by purchase or otherwise, in as full and ample a manner as if she the said Elinor Perry had never been married to the said John, clear from the claim or claims of the said John or any of his creditors; and the said Elinor Perry shall and may have full power to sue for and recover in any court having cognizance thereof, from the said John Perry or any other person

son or persons, any property or estate which she may be entitled to, in the same manner as if she the said Elinor Perry had never been married to the said John Perry; any law, usage or custom to the contrary notwithstanding.

II. *And be it further enacted*, That from and after the passing of this act the said John Perry shall not be answerable for any debt contracted by the said Elinor Perry his wife; any law, usage or custom to the contrary notwithstanding:

C H A P. CIV.

An Act to secure to Elizabeth Carter, wife of Benjamin Carter, such estate as she may hereafter acquire.

WHEREAS it is represented to this General Assembly, that Benjamin Carter hath for several years past absented himself from his wife Elizabeth, and there is no expectation of a reconciliation, and having it in his power to deprive his said wife Elizabeth of such estate as she may by her industry or otherwise acquire;

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the said Elizabeth Carter shall be entitled to and possess in her sole right, all such estate either real or personal as she may hereafter acquire by purchase or otherwise, in as full and ample manner as if she the said Elizabeth Carter had never been married to said Benjamin Carter, or any other person or persons; any law, usage or custom to the contrary notwithstanding.

II. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, the said Benjamin Carter shall not be answerable for any debt contracted by the said Elizabeth Carter, his wife; any law, usage or custom to the contrary notwithstanding.

C H A P. CV.

An Act to secure to Ruth Bell, wife of William Bell, of the county of Currituck, such estate as she may hereafter acquire.

BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Ruth Bell wife of William Bell, of the county of Currituck; shall be entitled to possess and enjoy in her sole right, all estate either real or personal which she may hereafter acquire by purchase or descent, in as full and ample manner as if the said Ruth Bell had never been married to the said William Bell; clear from the claim or claims of the said William, or any creditor or creditors of him: and the said Ruth shall have full power and authority to sue and recover in any court having cognizance thereof, from the said William or any other person or persons, any property or estate which she may be entitled to, in the same manner as if the said Ruth had never been married to the said William. And that the said William from and after the passing of this act, shall not be liable for the payment of any debt or debts contracted by the said Ruth; any thing to the contrary notwithstanding.

C H A P. CVI.

An Act to carry into effect the petition of Robin Braswell, of Nash county, by granting him a divorce from his wife Calley.

BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Robin Braswell, of Nash county, and his wife Calley, shall be divorced from the bonds of matrimony in the same manner as if their marriage had never been solemnized; and the said Robin and Calley are hereby declared to be divorced accordingly.

II. *And be it further enacted*, That Howell Ellin, William Boddie and Benjamin Bunn, be and they are hereby appointed Commissioners, who shall on or before the tenth day of February next, call upon the said Robin Braswell to declare unto them or any two of them, an estimate on oath, of the amount of his property at the time of his separation from his said wife Calley, exclusive of the debts he owed.

III. *And be it further enacted*, That the said Commissioners are hereby authorized and empowered to make such annual allowance to the said Calley, out of the estate of the said Robin Braswell, as they may think just and proper according to the circumstances of the case; which said allowance shall be paid by the said Braswell to the said Calley, annually, in full consideration of her separate maintenance; any law to the contrary notwithstanding.

C H A P. CVII.

An Act authorizing Mishack Stallings to erect a grist mill on Rockfish-creek, in the county of Duplin.

WHEREAS it is represented to this General Assembly by a large number of reputable persons, that it would be extremely convenient and very beneficial to have a grist mill erected in the county aforesaid, on Rockfish-creek;

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That Mishack Stallings; his legal representatives or assigns, be authorized and he or they are hereby empowered to erect and build a grist mill on Rockfish-creek, in the county aforesaid, and to raise a dam across said creek, at or near a large rock which

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which lies in the same, adjoining the lands of the said Mithack. *Provided*, That the mill so erected shall not injure any person or persons living above the same, in any manner whatsoever.

C H A P. CVIII.

An Act empowering Duncan M'Farland to establish a turnpike at his bridge on the new road from Fayetteville to Camden.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That for and in consideration of the trouble and expence wherewith the said Duncan M'Farland may be at in keeping the said bridge and causeways in repair, the same with all the profits and emoluments shall be and are hereby vested in the said Duncan M'Farland, his heirs and assigns, ninety-nine years; and it shall and may be lawful for the said Duncan M'Farland, his heirs or assigns, to set up a gate or gates on any part of the said bridge or causeways, and at all times when the same shall be fitting for the safe passage of horses and carriages, demand and receive at the said gate, except as hereafter excepted, the following rates, to wit: For every man and horse the sum of five cents, for every carriage wheel the sum of ten cents, for every head of black cattle or single horse the sum of two cents, for every sheep or hog the sum of one cent. *Provided nevertheless*, That all persons having waggons or carts loaded to market, passing the said bridge, shall when they return from the same market pay only the half above mentioned rates; and likewise, all persons who have assisted the said M'Farland in finishing the said bridge, road or causeway, shall be at liberty to pass and repass at all times the said gate or gates, free from paying any toll for the term or space of seven years, commenced the first day of November last.

II. *And be it further enacted*, That in consideration of the tolls hereby granted the said Duncan M'Farland, his heirs and assigns, shall forever after the said gate or gates are set up, keep the said bridge and causeways in good and passable order for carriages and horses, and in case of neglect, any person or persons shall be entitled to recover any damages that they may sustain by the same being out of repair, before any jurisdiction having cognizance thereof.

III. *And be it further enacted*, That the said bridge and causeways shall be esteemed and taken as a public highway upon paying the toll imposed by this act.

IV. *And be it further enacted by the authority aforesaid*, That in case of refusal to pay said tolls at the time of offering to pass the toll gate erected as above mentioned, and previous to paying the same, the collector or toll-keeper or proprietor of the said bridge may lawfully refuse passage to any person or persons so refusing payment; and if any person or persons shall pass without paying the same, the collector, toll-keeper or proprietor may recover to the full amount of the tolls above mentioned with costs, before any Justice of the Peace, in any county where the offender may be taken.

V. *And be it further enacted*, That no toll shall be received or demanded until the first day of October, one thousand seven hundred and ninety-nine. *Provided*, That nothing herein contained shall be construed to extend to prevent the General Assembly at any time hereafter to alter the tolls herein and hereby established.

C H A P. CIX.

An Act to confirm the name of Abraham Hogans, of the county of Wake.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the name of Abraham Hogans, of Wake county, shall be confirmed, and by the same name of Abraham Hogans, he may sue and be sued, plead and be impleaded in any court of record within this state, acquire and transfer property which he may possess either by purchase, descent or otherwise, and in all things whatsoever he in the same situation as if he had been born in lawful wedlock; any law to the contrary notwithstanding.

C H A P. CX.

An Act to confirm the names of the natural born children of John Alston, of the county of Wake.

WHEREAS it is the desire of John Alston, of the county of Wake, that the names of his natural born children, to wit, John Alston, Christian Alston, George Lillington Alston, Absalom Alston, James Alston, Sally Alston, Phillip Alston, Patsey Alston and Lemuel Alston, be confirmed by legislative authority;

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the names of John Alston, Christian Alston, George Lillington Alston, Abraham Alston, James Alston, Sally Alston, Phillip Alston, Patsey Alston and Lemuel Alston, shall be confirmed; and by the said names of John Alston, Christian Alston, George Lillington Alston, Absalom Alston, James Alston, Sally Alston, Phillip Alston, Patsey Alston and Lemuel Alston, they may sue and be sued, plead and be impleaded in any court of record in this state, acquire and transfer property which they may possess either by purchase, descent or otherwise, and in all things whatsoever, be in the same situation as if they had been born in lawful wedlock; any law, usage or custom to the contrary notwithstanding.

C H A P . C X I .

An Act to alter and confirm the names of, and legitimate, certain persons therein mentioned.

WHEREAS Samuel Ferguson of Craven county, hath signified his wish to this General Assembly, that the names of himself and five children, to wit: Anne, James, Elizabeth, Sally and Nancy, be altered and confirmed to that of Simmons. And whereas John Gayland of Hyde county, hath petitioned this General Assembly, to alter the name of Sophia Bell, a natural born daughter of his, to that of Sophia Gayland, and legitimate the said Sophia. And whereas Squire Roberfson of Richmond county; hath petitioned that the name of William Smith, a natural born son, be altered to that of William Roberfson, and that the said William be legitimated by the said name. And whereas Josiah Brinkley of the county of Halifax, hath petitioned this General Assembly, to alter the names of Furnia Qualls, a natural born son; to that of Furnia Brinkley, and that the said Furnia be legitimated by the said name: And whereas Richard Reynolds hath petitioned to have the name of James Edwards altered to that of James Reynolds; and that the said James be legitimated by the said name. And whereas it is represented to this General Assembly that Seth Whiddle, Isaac Thompson and William Langston would be much benefited by having their names altered to that of Seth Sumner, Isaac Handley and William Edwards,

I. Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That forever hereafter the said Samuel Ferguson and his five children, to wit: Anne Ferguson, James Ferguson, Elizabeth Ferguson, Sally Ferguson and Nancy Ferguson, shall be called and known by the names of Samuel Simmons, Anne Simmons, James Simmons, Elizabeth Simmons, Sally Simmons and Nancy Simmons, and the said Sophia Bell shall be called and known by the name of Sophia Gayland; and the said William Smith by the name of William Roberfson; and the said Furnia Qualls by the name of Furnia Brinkley; and the said James Edwards by the name of James Reynolds; and the said Seth Whiddle by the name of Seth Sumner; and the said Isaac Thompson by the name of Isaac Handley; and the said William Langston by the name of William Edwards; by which said names respectively as above altered and confirmed, the said persons and each and every of them shall be called and known, and shall have, inherit, possess and enjoy by purchase or by descent any estate or property whatsoever, in as full and ample manner as if each and every of them had been born in lawful wedlock; and it shall and may be lawful for the said persons by the said names as above altered and confirmed, to sue and be sued, plead and be impleaded in any Court of Law and Equity whatsoever.

C H A P . C X I I .

An Act to emancipate certain persons therein named.

WHEREAS Alexander Stewart and Lydia his wife, have by deed under their hands and seals, given, granted and confirmed unto John Caruthers Stanly, a person of mixed blood, heretofore their slave, his freedom; as a reward for his meritorious services: And whereas the said John Caruthers Stanly is desirous of having his emancipation confirmed by law. And whereas Amelia Green, a free woman of colour, has petitioned this General Assembly, to emancipate her daughter Princess Green;

I. Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That the said John Caruthers Stanly and Princess Green, by the said names, are hereby emancipated and set free; and the said persons hereby liberated, and each of them are hereby declared to be able and capable in law, to possess and enjoy every right, privilege and immunity, in as full and ample manner as they could or might have done if they had been born free.

C H A P . C X I I I .

An Act to emancipate certain persons therein mentioned.

I. BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Rose the wife of Lemuel Overton, and her two sons John and Burdock; a negro woman named Grace, and her son Harry, the property of Thomas Amis, deceased; a negro girl named Bett, and a negro boy named John, the property of Moses Parker; a mulatto girl named Nancy, and her child Eliza, the property of General Thomas Person, of Granville county; a negro woman named Crease; a negro fellow named Tom, and his wife Priss and her five children, to wit, Allen, Charity, Breny, Willie and Crease, the property of Samuel Williams, deceased, of the county of Warren, also the increase of the said Priss and her female children, since the date of the last will of the said Williams; also one negro man Daniel, formerly the property of James Allen; and a negro man named Ginger, formerly the property of Mark Allen, of Montgomery county, be and they are hereby emancipated and set free, and hereafter shall be called and known by the following names, to wit: Rose Overton, John Overton, Burdock Overton, Grace Webb, Harry Webb, Betty Black, John Black; Nancy Hart, Eliza Hart, Crease Green, Tom Green, Priss Green, Allen Green, Charity Green, Breny Green, Willie Green and Crease Green; and the increase of the said Priss and her female children as aforesaid, by their respective names, with the addition of Green; Daniel Shad and Ginger Pepper; and by the names aforesaid, they and each of them shall

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shall have, enjoy and possess all the rights, privileges and immunities which they would have been entitled to, had they been born free; any law to the contrary notwithstanding.

II. And be it further enacted, That a negro man the property of Osborne Jeffries, named Sam; and a negro woman the property of Dixon Bogy, named Chelsea, shall be and they are hereby emancipated and set free, the said Sam by the name of Buffalo Sam, and the said Chelsea by the name of Chelsea Reed, and they shall be entitled to the same privileges, which persons of colour born free are entitled to.

C H A P. CXIV.

An Act to pardon and restore to credit a certain William Ambrose, of Wake county.

WHEREAS it is represented to the General Assembly of North-Carolina, that a certain William Ambrose, of Wake county, was convicted some years past of petit larceny: and whereas it also appears that the said William Ambrose hath since reformed and behaved himself as a good honest citizen;

I. Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the said William Ambrose shall be restored to his credit, and all other disabilities which have accrued by virtue of the said conviction, shall be as completely removed to all intents and purposes as if the said conviction had never happened; any law to the contrary notwithstanding.

C H A P. CXV.

An Act to restore to credit Benjamin Bryant, of the county of Buncombe; Moses White, of the county of Anson; and Samuel Fields, of the county of Randolph.

BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Benjamin Bryant, of the county of Buncombe, Moses White, of the county of Anson, and Samuel Fields, of the county of Randolph, shall be restored to credit in as full and ample a manner as if they the said Benjamin, Moses and Samuel had never been convicted of any crime of what kind and nature soever: That they the said Benjamin, Moses and Samuel may and shall be received as competent witnesses, in all the courts of record of this state, and before any jurisdiction having the right to administer the oaths, in the same manner as if they had not received any conviction of crimes, in any of the courts of justice within this state; any thing to the contrary notwithstanding.

C H A P. CXVI.

An Act to reinstate James Powell in the rights and privileges of a citizen.

WHEREAS it is represented to this General Assembly, by petition of a number of respectable inhabitants of Chatham county, that James Powell of said county, about eighteen years past, when about twenty-one years of age, was by his own confession convicted of petit larceny, since which time he has resided in the said county of Chatham, and conducted himself as a good citizen, and prays that he may be restored to the privileges of a citizen;

I. Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That the said James Powell be and he is hereby declared to be reinstated to credit, in as full and ample a manner as if he never had been convicted of said offence, and that due faith and credit shall be paid and given to his oath in all cases where necessary to be taken; any law to the contrary notwithstanding.

Read three times and ratified in General Assembly, the 24th day of December, Anno Domini, 1798.

BENJAMIN SMITH, *Speaker of the Senate.*

MUSSENDINE MATTHEWS, *Speaker of the House of Commons.*

Copy. WILL. WHITE, *Secretary.*

Published agreeably to a Resolve of the last General Assembly.

The following sums were paid out of the Public Treasury since the first of November, 1797.

Archibald Griffin, member of Assembly,	48	15		Amount brought forward,	3286	17	
William F. Strudwick, do.	47	18	6	Thomas Stokes, member of Assembly,	46	13	4
Francis Pugh, do.	49	18		Archibald M'Curdy, do.	56	11	
Jesse Robinett, do.	58	0	8	Matthew Brooks, do.	54	11	6
William H. Hill, do.	50	8	4	Well Harris, do.	53	0	6
William Person, do.	48	15		Wood J. Hamlin, do.	49	18	4
James Callier, do.	48	10		John Dabney, do.	48	8	8
Matthias Handy, do.	44	6	8	Henry Deberry, do.	52	10	
John Newnan, do.	55	14		William Buth, do.	52	7	8
Frederick Phillips, do.	43	15		Daniel Glifton, do.	51		4
Alexander D. Moore, do.	55			Caleb Phifer, do.	56	10	
Nathaniel Alexander, do.	58	9		James F. Sanford, do.	50	18	8
George Davis, do.	52	10		Simon Alderson, do.	58	2	8
George Outlaw, do.	49	16	8	Daniel Rofs, do.	53	18	4
Thomas Taylor, do.	47	8	4	John Peay, do.	51	13	4
Holland Johnston, do.	51	16	8	William Robeson, do.	53	0	8
Joseph Dickson, do.	51	17		Zepheniah Burges, do.	61	8	4
Solomon Rogers, do.	44	14	8	Joseph Wood, do.	52	6	8
John Hill, do.	56	4	6	Henry Selby, do.	56	15	
Solomon Green, do.	48	11		Thomas Marchant, do.	64	6	8
William M'Kinzie, do.	48	6	8	Stephen W. Carney, do.	51	5	
Wallace Alexander, do.	60	5		Joseph Reddick, do.	56	8	
Jethro Darden, do.	54	8	4	Peter Forney, do.	59	15	8
Hans Patten, do.	45			Joseph Hatch, do.	35	16	
Joseph Harvey, do.	54	5		David Caldwell, do.	57	15	
Thomas Banks, do.	55	10		Mullendine Matthews, do.	57	14	
Richard Croom, do.	42	15		Hans Hamilton, do.	51	5	
Benjamin Shepperd, do.	31	18		Alexander Erwin, do.	63	19	
James Murphy, do.	63	19		Jacob Gaston, do.	47	11	4
William Hinton, do.	44	5		James Britton, do.	68	6	6
Tignall Jones, do.	44	16		James Bunyard, do.	63	15	
Edmund Waddell, do.	47	12		Martin G. Shepperd, do.	50		
Henry Branson, do.	51	5		Benjamin Smith, do.	55	19	6
Samuel Alhe, do.	53	15		Abram Bessent, do.	53	6	6
Thaddeus Barnes, do.	50	8	4	Cornelius Dowd, do.	48	16	8
Hugh Armstrong, do.	56	5		Daniel M'Intosh, do.	47	4	6
Robert Blackwell, do.	49	11	8	Joseph Tocklay, do.	62	6	6
Afa Bishop, do.	64	8	4	James Phillips, do.	63	18	6
James Bradshaw, do.	56	7		Robert Webb, do.	53	10	6
Kedar Bryan, do.	50	18	4	Samuel Simpson, do.	32	1	6
Newell Bell, do.	57	18	4	Jesse Franklin, do.	57	10	
Thomas Ellison, do.	55	18	6	James Dick, do.	48	6	8
Richard M'Kinnie, do.	47	18	6	Charles Banner, do.	53	15	
William Forrange, do.	59	6		James Willborn, do.	59	11	6
John Hall, do.	48	6	8	Amos Johnston, do.	52	11	8
Malachi Jones, do.	68	1	4	James Bradley, do.	47	2	
Nathan Gilbert, do.	48	15		William M'Chre, do.	55	4	6
William Hughlett, do.	54	3	4	James A. Tabb, do.	50	8	4
Nathaniel Loomis, do.	53	16	8	James Conner, do.	58	1	4
George Lee, do.	48	15		Henry Hill, do.	46	5	
Gideon Edwards, do.	57	18	6	John Foster, do.	38	15	
John Highman, do.	51			William P. Lytle, do.	48	6	6
Henry Scales, do.	52	1	8	John Dailey, do.	23	16	4
James Thompson, do.	50			Dito, do.	37	11	4
Jeremiah Slade, do.	52	1	8	John Coor Pindar, do.	44	11	8
James Marshall, do.	53	19		James Morehead, do.	51	18	8
Thomas Love, do.	68	6	8	Thomas Wynns, do.	54		
Neill Smith, do.	50	2		William Blackledge, do.	51	10	
James Watson, do.	64	8	4	Wynn Dixon, do.	50		
John Rigan, do.	52	5	8	Christopher Rudley, do.	39	14	
Joseph Whyte, do.	57	2	2	John Campbell, do.	49	3	6
Humphrey Hudgens, do.	55	16	4	Solomon Graves, do.	49	3	4
Frederick Bryan, do.	40	2		Nathan Mayo, do.	50	8	6

Amount carried forward £. 3286 17

Amount carried forward £. 6509 14 2

<i>Amount brought forward, £.</i>		6509	14	2
James Hoskins, member of Assembly,		59	5	
Frederick Grist, do.		52	18	4
Abram Phillips, do.		51	5	
Lemuel Crecey, do.		54	6	
James Gatlin, do.		54	14	8
John Gilchrist, do.		51	5	
Bailey Jackson, do.		61	6	4
Hector M'Allister, do.		47	18	6
Thomas Johnston, do.		58	2	2
Daniel M'Clain, do.		47	2	8
John Guither, do.		55	16	8
Joseph S. Cray, do.		56	6	8
Benjamin Coffield, do.		57	18	
Hance M'Cain, do.		50	17	6
John Cabe, do.		46	5	
Samuel Lindsay, do.		49	10	
Isaac Jackson, do.		54		
John Fulford, do.		59	8	6
John Williams, do.		44	1	8
William Taylor, do.		49	8	4
Samuel Carpenter, do.		62	9	8
Probate Collier, do.		51	5	
John Ramsour, do.		60	12	4
James B. Jordan, do.		51	13	4
Samuel Smith, do.		55	10	6
Conrod Hildebrand, do.		62	5	
Josiah Lewis, do.		53	5	6
Benjamin Williamson, do.		50	0	
Joseph T. Rhodes, do.		52	11	6
George Lucas, do.		46	9	
Thomas Person, do.		46	5	
Archibald Hunter, do.		46		
James Jones, do.		54	8	4
Henry Goodman, do.		46	13	4
Robert White, do.		30	0	
William Breton, do.		67	1	8
James Holland, do.		64	13	6
John Skinner, do.		58	1	
Redmond Bunn, do.		48	15	
John M. Binford, do.		52	3	6
William Bailey, do.		52	12	
Charles Spruill, do.		58	6	6
Samuel Benton, do.		39	6	8
Henry Tillman, do.		50	16	
Edward Graham, do.		55	1	8
Brittain Harris, do.		46	5	
Arthur Harris, do.		52	18	4
Richard Benbury, do.		58	9	4
Abfalom Tatom, do.		46	13	4
Gabriel Holmes, do.		48	19	
Robert Irwin, do.		58	9	
Matthew Brandon, do.		56	0	8
Thomas Carson, do.		54	15	8
Bazil Gaither, do.		57	15	
Jonas Bedford, do.		65	1	8
Bazil Gaither, do.		56	17	6
William Edmunds, do.		52	1	8
John Hunt, as Clerk of the Assembly,		112	18	4
Ditto, for transcript, &c. &c.		74	0	6
Sherwood Haywood, do.		117	5	
Ditto, for transcript, &c. &c.		72		
Montfort Stokes, Assistant-Clerk,		119	17	6
Pleasant Henderson, do.		71	6	8
Robert Williams, do.		55	8	4
Richard W. Freear, do.		77	1	8
Francis Locke, do.		82	10	

Amount carried forward, £. 10,331 8 4

<i>Amount brought forward, £.</i>		10,331	8	4
Thomas Rogers, Assistant-Clerk,		39	8	8
Robert Williams, do.		40		
Thomas Pound, Door-keeper,		52	1	8
John Wilson, do.		48	6	6
Nicholas Murphy, do.		47	18	6
John Lumsden, do.		48	6	8
Door-keepers of Assembly,		20		
Thomas Pound, for tools, &c.		3	6	
Theophilus Hunter, for wood,		40		
William Shaw, for candles,		10		3
C. Watkins, Committee of Claims,		9	3	4
Mary Norcut, do.		4	6	8
Holland Johnston, do.		4	6	8
Jesse Sanders, do.		13	4	
Francis Scarborough, do.		3	4	8
James Watkins, do.		9	3	4
George Barge, do.		14	18	8
Robenson Mumford, do.		5		
Jesse Lee, do.		5	17	4
Jesse Lee, do.		23	1	4
William Robinson, do.		5	15	
William Robinson, do.		2	8	4
Benjamin Long, do.		2	8	4
Isaac Hill, do.		4	9	4
Abraham Stenier, do.		8	0	6
John Forritter, do.		3	4	5
Robert Orsborne, do.		6	8	8
Elijah Callaway, do.		5	10	
Charles F. Bagga, do.		4	4	8
Peter Shore, do.		4	10	
John Abberhathy, do.		3	12	8
John F. Keozke, do.		3	0	8
Sufannah Lowdaniel, do.		5	12	8
Peter Hübzer, do.		4	10	
James Hanfell, do.		4	8	8
Benjamin Weaver, do.		30	1	10
Jacob Lütz, sen'r. do.		8	5	4
Jacob Lütz, jun'r. do.		6	2	
Daniel Stuckner, do.		3	17	4
Lawson Henderson, do.		2	5	
John M'Gimpsey, do.		5		
Samuel M'Kimey, do.		7	16	
James M'Entire, do.		15	7	4
Lettis Lewis, do.		6	8	8
Abraham B. Simmons, do.		6	2	8
Abraham Moses, do.		4	11	4
John Scarborough, do.		3	4	8
Francis Bullock, do.		9	13	4
Jonathan Bullock, do.		9		
Willie Rogers, do.		2	8	
John Hill, do.		71	14	
Stephen Pace, do.		2	8	
Andrew Murdock, do.		5		
Ewell Watts, do.		1	15	4
Easter Little, do.		6	8	8
John Foster, do.		6	8	
Miles Knight, do.		8	8	8
Elizabeth Smith, do.		6	9	4
Reuben Matthews, do.		2	16	3
Spence Watts, do.		1	15	4
Roger Moore, private Sec'y's salary,		50		
Black and Harris, bounty for making a musket and bayonet,		35		
Ranfon Southerland, Councillor,		6	10	
James Glasgow, salary as Secretary,		50		
Governor's salary for 1797, in full,		400		

Amount carried forward, £. 11,616 3 7

Amount brought forward £. 11,616 3 7

Abraham Hodge's salary as Printer,	300	
Roger Moore, pr. Sec'y, for seals, &c.	179	15
James Glasgow as Sec'y salary,	50	
Thomas Brown, Councillor,	13	14 4
Isaac Hutchins, door-keeper to council,	3	15
Roger Moore, Clerk to ditto.	10	
Governor Ashe, salary	400	
Thomas Brown, Councillor,	14	19 4
Jolin Branch, do.	9	18 4
Samuel and W. Carothers, bounty } for making powder,	100	
Isaac Hutchins, door-keeper to council,	3	15
Zackfield Martin, exprels for Tennessee,	82	10
Robert Williams, Clerk to council,	10	
Thomas Hill, Councillor,	16	15
Roger Moore, pr. Sec'y, salary,	50	
Henry Watters, Councillor,	14	8 4
Thomas Hill, do.	15	10
Henry Watters, do.	15	3 4
John Craven, salary,	250	
Henry Taylor, an invalid pensioner,	12	
Henry Taylor, do.	12	
John Cain, do.	10	
William Morgan, do.	6	
James Redfern, do.	10	
Harthorn Harris, do.	36	
Sarah Bennett, do.	12	
Joseph Wallon, do.	20	
John Hughs, comparing the poll,	1	5
Ephraim Gordon, a private soldier } in the Cumberland battalion,	45	14 9
Francis Johnston, invalid pensioner,	5	
Moses Berket, do.	15	
Thomas Callender, per resolve,	407	8 9
Thomas Wright, do.	47	18 7
Benjamin Brevan, do.	2	
Joseph Morgan, for guarding jail,	79	16
William Threadgell, per resolve,	16	10
William Sheppard, do.	170	
Abram Hodge, do.	100	
Stephen Brooks, do.	5	
Patrick Boggan, do.	5	13 6
Buckner Nance, do.	100	
James Wilson, do.	85	
Thomas Carlon, do.	168	19
William Glendenning, for paper,	15	
Isaac McCallum, for tape,	15	
Hance Hamilton, per resolve,	138	14
Francis Locke, Commissioner,	92	
Joseph Adams, Clerk to Treasurer,	35	
Montfort Stokes, advertising docket,	9	
Ditto do.	9	
Nathan Chaffin, comparing poll,	6	5
Abram Hodge, printing certificates,	15	
James Willborn, Commissioner,	78	
Joshua Suggs & others guarging the } state-house,	159	
Gavin Alves, Clerk to Treasurer,	5	
James Holland, Commissioner,	60	
Stephen Haywood, Clerk to Assembly,	25	10
Gaither & Locke, for safe keeping } Tyrrel's papers,	3	8
Joseph Arrington, repairing jails,	200	
William Brittain, Commissioner,	75	
William Glendenning, for quills, &c.	2	5

Amount carried forward £. 15,429 19 10

Amount brought forward, £. 15,429 19 10

Bazil Gaither, Commissioner,	93	10
John Wright, making return as E. tak.	5	16 8
John M'Gimpsey, for travelling as Sh.	10	10
Elmsley Parks, making return,	6	7 4
Amos Johnston, making return as E. T.	6	4
Lowatt Burgefs, advertising rule of court,	14	
Abram Hodge, printing for Tr. dep.	20	2
William R. Donham, return as E. T.	9	16 6
Matt, plaistering state-house,	10	
William Glendenning, paper,	3	1
Benj. Prichard, for making a sword,	10	
Guard from Salisbury with Tyrrel's } papers,	48	
Edward Graham, Commissioner,	61	
James Mears, Tyrrel's guard,	24	14
William Glendenning, for paper,	1	2 6
Stephen Haywood, Clerk Treasury,	165	
Rich. W. Freear, Clk. Commissioners,	68	14 6
James Glasgow, for copying acts,	84	
James Brittain, Commissioner,	51	
Samuel Chapman, furnishing Entry- } taker's returns,	8	8
James Easton, for shovel & tongs,	1	10
William Shaw, for protecting the } public yard,	10	
William Shaw, for keeping clean } the state-house,	10	
J. Hamilton of Edenton, as Elector,	13	3 4
Josh. Suggs, for guarding S. house,	108	
Renben Butler, Brigade-Inspector,	19	3
Josh. Williams, for a defic. of land,	11	
Lewis Deal, for do.	1	12 6
William M'Quetton, do.	2	0 6
Joseph Davison, do.	2	11
Blake Bryan, do.	3	7
Samuel Lees, do.	3	15
Robert Cochran, do.	16	
Ditto, do.	16	
George Jackson, do.	1	15 6
Robert Cochran, do.	16	
Harrison & Johnston, do.	18	
Robert Harr, do.	5	
Ruchottom & Billes, do.	3	9
Thomas Phillips, do.	1	3 6
Ebenezer Whitney, do.	4	
Blake Bryan, do.	3	
William Dunn, do.	6	6
John Grimby, do.	3	
Ditto, do.	1	1
John M. Sheppard, do.	2	4 6
William Iller, do.	1	
Frederick Hargett, do.	5	12
William Deal, do.	1	10
William Sheppard, Collector of Ar- } rears, commissions,	77	14 11
James Hunter, Cumberland battalion,	65	17 6
Edward Jones, Solicitor,	40	
William Page, Cumberland battalion,	35	3 9
John Hunter, do.	168	2 6
William Dolton, do.	94	14 4
John Haywood, Judge,	100	
Spruce Macay, do.	100	
Spruce Macay, do.	100	
Spruce Macay, do.	100	
Spruce Macay, do.	100	

Amount carried forward £. 17,290 12 10

<i>Amount brought forward, £. 17,290 12 10</i>				<i>Amount brought forward £. 21,006 8 0</i>			
Edward Jones, Solicitor,	40			Nathan Chaffin, conveying prisoners,	9	12	
Ditto, do,	60			Francis Lowthorp, Coroner,	4	6	
Ditto, do,	40			John Carter, a witness,	2	3	8
Ditto, do,	40			John M'Nutt Alexander, defic. of land,	1	5	
Blake Baker, Attorney-General,	40			Archibald Martin, Cumberland batta.	82	2	6
Ditto, do,	40			Joseph Hopkins, ditto.	82	2	6
John Haywood, Judge,	100			Spruce Macay, Judge,	100		
Francis Locke, Attorney,	40			Ditto, do,	100		
Daniel Hewston, invalid pensioner,	12			Ditto, do,	100		
Humphrey Rogers, do,	12			John Smith, comparing poll,	7	18	4
John Spears, invalid pensioner,	10			Rowan Howett, repairing jails,	200		
Ditto, do,	8			Jonathan Roberts, ditto,	200		
Ellinor Truelove, do,	10			Andrew Robinson, comparing poll,	5		
Henry Sheppard, Collector's comm's.	13	9	7	Samuel Spencer, Judge,	300		
James Howard, Sheriff, for travelling,	1	10		William Boylan, printing,	2	10	
Stephen Fagan, do,	4	3	4	John Eaton, comparing poll,	4	5	
John Lockhart, Collector of arrears,	86	18	7	A. M'Donough, making a writing desk,	5		
Samuel Chapman, Assessor,	2			Matthew Joiner, land deficiency,	1	16	6
Isaac Guion, do,	2			William Pennick, Brigade-Inspector,	33	8	6
Jacob Vanhook, travelling to settle,	2	16		Samuel Blair, Cumberland battalion,	82	2	6
James Howard, comparing poll of elect.	3	11	6	John Tilley, ditto,	45	12	6
Francis Lowthorp, Assessor,	6			Ozwell Phillips, ditto,	82	2	6
Robert Vanhook, comparing poll,	3	3	4	William Glendenning, for paper,	2	16	6
Francis Lowthorp, do,	4	3	4	Lewis Greene, Jailor,	10	3	4
Daniel Dawson, do,	6	5		Christopher Buton, witness,	5	11	4
Simeon Gerent, travelling to settle as Shff.	3			Norman Duffy, ditto,	5	11	4
David Stone, Judge,	100			Daniel M'Daniel, ditto,	5	11	4
Ditto, do,	100			Abram Hodge, salary,	300		
Ditto, do,	100			John Craven, salary,	250		
Ditto, do,	100			Holland Johnston, Brigade-Inspector,	23	15	
Ditto, do,	100			Reuben Wood, Solicitor pro tem.	40		
H. Sheppard, Collect. of arrears, com.	32	10		Wm. R. Pickett, settling with Treas'r.	7		
Silas Cooke, for copying docket,	20			Joseph Rosler, comparing poll,	7	18	4
Ditto, do,	10			Isaac Hill, settling with Treasurer,	3	5	
Joshua Suggs, guarding state-house,	132	10		William Simmons, comparing poll,	11	5	
Robert Adam, for writing paper,	3	10		Peter Dauge, settling with Treasurer,	10	10	
David Stone, Judge,	100			Thomas Deane, comparing poll,	5	16	8
Ditto, do,	100			William Scott, ditto,	6	5	
John Williams, Judge,	400			William Harris, ditto,	4	7	6
Ditto, do,	400			James Cherry, settling with Treasurer,	6		
Stephen Fagan, travelling to settle as Sh.	5	5		Robert M'Morine, ditto,	10		
Owen Gregory, do, do,	3	10		Samuel Smith, ditto,	7		
John M'Neill, do, do,	3	10		Solomon Cherry, ditto,	5	10	
Lewis Blount, do,	0			Reuben Ranford, comparing poll,	3	3	4
Nathan Chaffin, comparing poll,	4	11	8	Lemuel Doty, settling with Treasurer,	6	5	
Thomas A. Ward, travelling to settle,	7	10		Solomon Alcock, ditto,	10	10	
Marmaduke Kimbrough, comparing poll,	7	10		William Shaw, to draw interest,	8		
Abner Weatherby, travelling to settle,	4	10		John Matlock, travelling to the Treas'y.	4		
Ditto, comparing poll,	3	7		Jesse Jones, land deficiency,	9	12	
John S. West, travelling to settle,	6			Fred. Hargett, commissions as Collect.	10	16	
Lewis Wills, do,	2	15		John Craven, salary,	250		
Spruce Macay, Judge,	100			Joseph C. Bell, comparing poll,	5	8	4
Nathan Chaffin, to settle taxes,	7			Andrew Murdock, ditto,	1	19	8
Ezekiel Alexander, comparing poll,	4	5		John Smith, ditto,	9	3	4
Edmund Hatch, to settle the taxes,	6			Treasury department, for printing,	4	15	
Wm. W. Erwin, Ck. Morgan district,	10			Underhill Ellis, Evan's battalion,	41	12	6
Joseph Green, allowed depreciation,	732	12	5	Pleasant Kirby, committee Claims,	7	15	8
Ditto, do, dollar money,	4	17	9	William Stephens, ditto,	7	6	10
Francis Lowthorp, Coroner,	4	4		John Faddis, ditto,	13	19	4
Edmund Perkins, Jailor,	88	19		Gideon Moze, travelling to Treas. office,	4	10	
John M'Gimpsey, guarding jail,	13	11	6	John Crowson, comparing poll,	7	1	8
William Carter, a witness,	2	3	8	William Cuthming, guarding jail,	121	19	
Abram Collins, do,	4	3	4	James Glasgow, for record books,	13	10	
Charles Sanders, do,	2	3	8	Robert Hails, settling with Treasurer,	4	9	
William W. Erwin, do,	319	18	6	Ditto, for comparing the poll,	4	1	
John Hill, Jailor of Salisbury,	71	16		Peter Morgan, comparing poll,	3	11	
				Ditto, for elector,	4	11	8
<i>Amount carried forward £. 21,006 8 0</i>				<i>Amount carried forward, £. 23,745 2 2</i>			

<i>Amount brought forward, £. 23,745</i>			2	2
Peter Morgan, to settle with Treasurer,	3	13		
Arthur Harris, to settle with Treasurer,	5	10		
Ditto, for comparing poll,	4	3	4	
Elijah Bell, comparing poll,	6	13	4	
William Goodman, do.	3	5		
Andrew Murdock, do.	1	19	8	
Governor Ashe, salary,	200			
Anderson Paschal, comparing poll,	3	15		
Ditto, to settle taxes,	3	5		
Henry Yancey, do.	3			
John M. Gimpley do.	11	10		
William Boylan, printing,	2			
Zachariah Spencer, settle the taxes,	10			
William Smith, do.	3			
Griffith Sawyer, comparing poll,	5	3		
William Carson, settle the taxes,	11	5		
Edmund Blount, do.	6			
William Carson, comparing the poll,	3	15		
William Goodman, settle the taxes,	3	15		
Isaac Williams, do.	1	14		
Lawson Henderson, do.	10			
John Nicholas, do.	5			
Elias House, an invalid,	12			
John Winslow, for indiments,	23	2		
James Walker, advertising docket,	5			
George Johnston, land deficiency,	1	10		
Eliza Spicer do.	3	15		
Thomas Tyfon, do.	7	0	6	
Roger Moore, pr. Sec'y. salary,	50			
William Bowers, comparing poll,	3	10		
Francis Lowthorp, Assessor,	2			
Isaac Guion, do.	2			
Allen Martin, a witness,	5	12		
Amos Alexander, land deficiency,		14		
Blake Baker, Attorney-General,	40			
Nath. Blunt, committee of Claims,	3	15	4	
Edward Jones, Solicitor,	40			
Governor Ashe, salary,	200			
John Winslow, adver. rule of court,	24			
Joshua Suggs, guarding Tyrrel's papers,	38			
Giles Williams, land deficiency,	2	7		
John Daves, for confiscated property,	44	7	7	
Elias Hoell, comparing poll,	5	8	4	
Alexander Kilpatrick, do.	10	8	4	
Roger Moore, seals, &c.	49	14		
James Grimes, land deficiency,	1	13		
William Pol'ok, do.	1	2		
William Dunkin, do.		13		
Ditto, do.		15		
John Carrell, comparing poll,	6	5		
Nathaniel Scales, do.	5			
James Purviance, Coroner,	2	16		
Ditto, comparing poll,	2	13		
James Glasgow, salary,	45	16	8	
Benjamin Coffield, Brigade-Inspector,	32	7	3	
William Alford, comparing poll, &c.	21	12	8	
Thomas Routledge, do.	5	18		
Francis Locke, Attorney,	40			

Amount carried forward, £. 24,794

<i>Amount brought forward, £. 24,794</i>			4	2
James Sutton, comparing poll,	1	18		
Joseph Dozier, do.	5	8	4	
Abram B. Simmons, do.	3	15		
Montfort Stokes, copying dockets,	18			
Charles Moore, comparing poll,	2	5		
Ink powder, &c. for Treasury-office,	1	11	6	
Hannah Roach, witness,	2	1		
Judge Haywood,	100			
Ditto,	100			
Ditto,	100			
Ditto,	100			
Judge Stone,	100			
Blake Baker, Attorney,	40			
Ditto, do.	40			
Ditto, do.	40			
Ditto, do.	40			
Ditto, do.	40			
Ditto, do.	40			
Ditto, do.	40			
George Ellis, Assessor,	2			
Samuel Chapman, do.	2			
James Ellis, do.	2			
Samuel Chapman, do.	2			
Isaac Guion, do.	2			
Samuel Chapman, do.	2			
Ditto, do.	2			
Isaac Guion, do.	2			
Nicholson Washington, per resolve,	32	0	1	
James Moore, advertising docket,	20			
Joshua Dilliard, express	2	10		
Reuben Everitt, blank book,	17	6		
Drury Christian, express,	4			
John Publis, land deficiency,		15		
George Nance, making gate, &c.	10	8	6	
Philemon Hodges, for andirons,	2			
Blake Bryan, land deficiency,	3	15		
Joseph T. Rhodes, salary,	100			
Rhodham Atkins, window shutters, &c.	110			
Treasurer's salary, for 1797,	750			
Hardy Hatley, land deficiency,		14		
James Hugby, per resolve,	251	19		
William J. Watson, land deficiency,	13	10		
Daniel Melvin, do.	3	15		
Daniel Melville, do.	6	5		
Samuel Britton, guard,	3	3	6	
Stokes & Taylor, land deficiency,	2	16	6	
Elisha Morse, comparing poll,	5	8	4	
Daniel Glifton, Brigade-Inspector,	39	3	4	
Edmund Branch, land deficiency,	10			
Wm. Shepperd, Collector, commissions,	7	19	7	
James Porter, Brigade-Inspector,	35			
John Math, land deficiency,	2	10		
L. Beard, Collector, commissions,	6	6	2	
Isaac Jones & others, per resolve,	19	15	2	
William Young, comparing the poll,	3	15		
Edward Jones, Solicitor,	40			
Ditto, do.	40			
Jesse Buckner, deficiency of land,	1	14		

£. 27,145 13 8

NORTH-CAROLINA.

COMPTROLLER'S-OFFICE, December 22, 1798.

I CERTIFY that the foregoing list contains the cash vouchers paid into this office by the Public Treasurer, in discharge of his account up to the 1st day of November last, viz. from the 1st of November, 1797, to November, 1798.

J. CRAVEN, Comptroller.

C O N T E N T S.

PAGE		PAGE	
An act to raise a revenue for the payment of the civil list and contingent charges of government, for the year 1799,	1	To repeal an act entitled "An act for classing of the Justices, for the purpose of holding the County Court of Pleas and Quarter-Sessions, in this state,	9
To amend the revenue laws as respects the land tax,	<i>ib.</i>	To authorise the surrender of certain lands in the county of Wilks, and other purposes therein mentioned,	<i>ib.</i>
To amend an act entitled "An act to amend the revenue laws of this state, and to direct the mode in which those who hereafter shall complain of its judgments may obtain redress," passed in the year 1792,	2	Granting the Tuscarora nation of Indians two other commissioners in addition to those now acting for them,	10
To amend the several acts of Assembly now in force in this state, which respect the entering and obtaining titles for lands,	<i>ib.</i>	For regulating ordinaries, houses of entertainment, and retailers of spirituous liquors by the small measure,	<i>ib.</i>
To amend an act passed in the year 1794, entitled "An act to amend an act passed at Fayetteville in the year 1793, entitled An act to carry into effect an act of Congress, entitled An act more effectually to provide for the national defence by establishing an uniform Militia throughout the United States, and to repeal an act passed at Fayetteville in the year 1796, entitled An act establishing a Militia in this state,"	3	For the prevention of vice and immorality, by suppressing excessive gaming,	11
To amend the fifth section of an act, chap. 16th, passed at Raleigh, on the 2d of November, 1795, providing among other things for the suppression of insurrections,	4	To authorise and direct the Commissioner of Arrests to sell the lot No. 82, in the town of Hillsborough,	12
To establish a Court with jurisdiction competent to examine the validity of patents in certain cases, and giving jurisdiction to the Superior Courts of Law and Equity in other or like cases,	5	Requiring the Secretary of State to enter into bond for the faithful performance of his duty,	<i>ib.</i>
To repeal the 21st and 22d sections of an act entitled "An act for raising a public revenue for the support of government and to repeal an act entitled An act to suppress excessive gaming,"	6	To amend an act passed in the year 1790, entitled "An act empowering the county Court of Pleas and Quarter-Sessions to direct the Secretary of State to correct certain patents or grants therein described, when there shall have been error in the Surveyor in making returns, or in the Secretary in issuing the same,	13
Directing the sale of the Tower-Hill lands, lying within the county of Lenoir,	<i>ib.</i>	To prevent suits from abating by the marriage of feme sole plaintiffs,	<i>ib.</i>
To regulate the practice of Attornies in the several Courts of Law and Equity within this state, and to prevent abuses in the same,	<i>ib.</i>	To amend the second section of an act passed at Fayetteville, in the year 1786, entitled "An act to compel certain officers therein mentioned to publish the application of public monies and allowances for insolvents,"	14
To amend an act entitled "An act to prevent abuses in taking up stray horses, cattle, hogs and sheep, and other things," passed in the year 1777; and to amend another act entitled "An act for making provision for the poor, and other purposes," passed at Newbern, in 1777.	7	Giving further time for the registering grants, proving deeds and mesnie conveyances which have not been proved and registered within the time heretofore appointed by law,	<i>ib.</i>
To repeal part of the 11th section of an act of the General Assembly, passed at Newbern, in November, in the year 1777, entitled "An act to amend the staple of tobacco, and prevent frauds,"	<i>ib.</i>	To amend an act entitled "An act to empower the several county Courts of Pleas and Quarter-sessions of the several counties in this state, to order the laying out public roads, and to establish and settle ferries, and to appoint where bridges shall be built, and to clear inland rivers and creeks,"	<i>ib.</i>
To compel the owners of slaves to provide proper maintenance for such of their slaves as may be rendered incapable of service by reason of advancement in years or otherwise,	8	To prescribe the residence of the Governor of this state,	15
To suspend certain parts of the acts of the General Assembly, passed in the years 1783 and 1784, relative to the office of Martin Armstrong, kept in Nashville, and to direct and limit the manner of issuing warrants, and warrants issued from the late office of John Armstrong; and to appoint a Board of Commissioners for the further examination of frauds committed in the Secretary's-office,	<i>ib.</i>	To explain and correct an act entitled "An act to appoint Commissioners to advertise for sale the Palace and other buildings thereunto belonging, in the town of Newbern, for the use of the state,"	<i>ib.</i>
		To appoint Commissioners to sell the Palace lots in the town of Newbern, for the use of the state,	<i>ib.</i>
		Directing the duty of Sheriffs in certain cases, as far as respects the collection of the county and poor tax,	16
		To amend an act entitled "Feme coverts, how to pass lands,"	<i>ib.</i>
		More fully to ascertain the duties of the Public Printer,	<i>ib.</i>
		To advance the administration of justice in the Superior Courts,	17
		To revive and continue in force an act of the	

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General Assembly, passed at Newbern, in the year 1794, entitled "An act to cede to the United States of America, certain lands upon the conditions therein mentioned,"	17	To establish an academy at Smithville, in the county of Brunswick,	27
To amend the act establishing an University in this state,	ib.	To authorise the Trustees of Smithville academy, to raise the sum of 7000 dollars by lottery or lotteries,	28
To empower the county Courts to appoint Sheriffs in certain cases,	ib.	To establish an academy at Unity meeting-house, in Randolph county,	29
Authorising the registration of powers of attorney, and directing the mode in which corporations may hereafter convey lands,	ib.	To establish a seminary of learning on Adam's-creek, in Craven county,	ib.
To ascertain the pilotage over Old-Topfai Inlet, and to amend an act entitled "An act to ascertain the pilotage which shall be allowed the pilots at Occacock Inlet, and the several sounds and inlets to which vessels go, which come in over fail inlet,"	18	More effectually to compel the attendance of Jurors for the Superior Court of the district of Wilmington, and to increase the number thereof; also to appoint Commissioners for the purpose of calling to account those persons who have heretofore received the taxes paid for building a gaol and court-house in said district,	ib.
To prevent the obstruction of the navigation of Currituck Inlet,	19	To repeal an act entitled "An act making compensation to the county Court Jurors for the counties of New-Hanover, Surry, Stokes, Randolph, Chatham and Buncombe," so far as relates to the county of Buncombe,	30
To encourage the cutting a navigable canal from Roanoke river or the waters thereof near Hogstown, to the waters of Pamlico river,	21	Allowing compensation to the Jurors of Rutherford county Court, and authorising said court to levy a tax to discharge the same,	ib.
To empower the county Court of Currituck to appoint persons to copy the books in the Register's-office, in said county,	23	To amend an act entitled "An act to amend an act to regulate and fix the price for inspecting and coöpering tobacco at Fayetteville," passed in the year 1791,	ib.
To amend an act entitled "An act to increase the pay of the Jurors to the Superior Courts of the districts of Newbern, Wilmington and Halifax, and also the districts of Fayetteville, Hillborough and Edenton, except the Jurors from the counties of Chowan, Person and Robeson,"	24	To establish an uniform time of receiving lists of taxable property in the county of New-Hanover,	31
To repeal an act entitled "An act for clearing out the Great Swamp in Robeson county, passed at Raleigh, in the year 1796,"	ib.	To prevent the collection of taxes for the year 1798, on the buildings which were in the town of Wilmington on the first day of April last, and have since been consumed by fire, and on the lots whereon the said buildings were situated,	ib.
To authorise William Porter to raise one thousand dollars by way of lottery,	ib.	For the purposes therein mentioned, relative to the town of Wilmington,	ib.
To confirm the proceedings of the county Court of Moore, relative to the transcription of a part of the Entry-taker's books of said county,	25	For the further regulation of the town of Newbern,	33
To empower the county Court of Moore to lay a tax for the year 1798, to defray the expence of transcribing the Register's books of said county,	ib.	For the better regulation of the town of Edenton,	34
To transcribe certain entries in Cumberland county,	ib.	For the better regulation of the town of Pittsborough, in Chatham county,	36
To authorise the county Court of Cumberland to transcribe certain records in the Register's-office,	26	To regulate the town of Concord, in the county of Cabarrus,	37
To alter the time of holding the county Court of Bladen,	ib.	To amend an act entitled "An act for the better regulation of the town of Germanton, in the county of Stokes," passed in the year 1794,	ib.
To substantiate certain proceedings in the county Court of Cumberland,	ib.	To amend an act entitled "An act to establish a town laid off at Guilford court-house, by the name of Martinville,"	ib.
To authorise such of the county Courts in this state to elect Treasurers of public buildings, as have not appointed the said officer at the term pointed out by law,	ib.	To establish a town on Hardy Parker's land on Black river, in the county of New-Hanover,	ib.
To empower the county Courts therein mentioned to lay a tax annually for the payment of their jurors,	ib.	To enlarge the town of Murfreesborough,	38
To authorise the Chairman of the Court of Pleas and Quarter-Sessions of Gates county, to convey a certain piece of land herein described, to the heirs of James Garrett, deceased,	27	To repeal an act passed in the year 1797, entitled "An act to continue in force an act entitled An act for the regulation of the city of Raleigh, passed in the year 1794," and to alter and amend the last mentioned act,	ib.
To establish a seminary of learning in the town of Salisbury,	ib.	To empower the Commissioners of the city of Raleigh to lay off and appropriate part of the public land adjoining the said city, for a burying ground,	ib.
		To repeal an act entitled "An act to appoint Commissioners to purchase land for a town and	

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town common, in the county of Rockingham, by the name of Wentworth, and for establishing the court-house in said town,"	38	Granting certain privileges to the volunteer companies of infantry in Currituck county,	45
To establish two other separate elections in the county of Wilkes,	39	To prevent in future the improper conduct of owners of feins from obstructing the passage of fish up Cape-Fear, Deep and Haw rivers,	ib.
To repeal an act passed in the year 1796, entitled "An act to repeal part of an act passed in the year 1792, entitled An act to grant two separate elections and general musters in Currituck county,"	ib.	To authorise the administrator or administrators of Thomas Wright, late Sheriff of New-Hanover county, to collect the arrears of taxes due to said Thomas Wright,	ib.
For granting the inhabitants of Bladen county a separate general muster and election,	ib.	To empower John Spence West, Sheriff of Craven county, to collect the arrears of taxes due in said county, for the year 1797,	46
To alter the time of holding the separate elections in the county of Craven,	40	To incorporate King Solomon's Lodge, No. 18, in Jones county, in this state,	ib.
Establishing a separate election on the south side of the Yadkin river, in the county of Surry,	ib.	To incorporate Johnston Caswell Lodge No. 10, of the town of Warrenton, in this state,	ib.
To establish a separate election on the north side of Dan river, in the county of Stokes,	ib.	To incorporate the Phoenix Lodge No. 8, of the town of Fayetteville, in this state,	ib.
To alter the place of holding the lower election in Northampton county,	41	To secure to Elinor Perry, wife of John Perry, such estate as she may hereafter acquire,	ib.
To amend an act entitled "An act to establish a separate election and general muster in the county of Carteret," passed at Fayetteville, in the year of our Lord 1793,	ib.	To secure to Elizabeth Carter, wife of Benjamin Carter, such estate as she may hereafter acquire,	47
To alter the places of holding elections in the county of Tyrrel,	ib.	To secure to Ruth Bell, wife of William Bell of the county of Currituck, such estate as she may hereafter acquire,	ib.
To amend an act passed at Raleigh, in the year 1795, granting separate elections to the county of Burke,	42	To carry into effect a petition of Robin Braswell of Nash county, by granting him a divorce from his wife Calley,	ib.
To establish a separate election in the county of Mecklenburg,	ib.	Authorising Mithack Stallings to erect a grist mill on Rockfish creek, in the county of Dulin,	ib.
Dividing the first regiment of militia in the county of Lincoln, into two battalions,	43	Empowering Duncan M. Farland to establish a turnpike at his bridge on the new road from Fayetteville to Canibden,	48
To add part of the county of Craven to Lenoir,	ib.	To confirm the name of Abraham Hogans, of the county of Wake,	ib.
To amend an act to carry into effect an act for erecting part of the counties of Halifax and Tyrrel into one distinct county and parish, passed in the year 1774,	ib.	To confirm the names of the natural born children of John Alston, of the county of Wake,	ib.
To establish a boundary line between Montgomery and Moore counties,	ib.	To alter and confirm the names of, and legitimate certain persons therein mentioned,	49
To authorise the Wardens of the Poor for the counties of Sampson and Perquimons, to lay a further tax,	44	To emancipate certain persons therein named,	ib.
To amend an act authorising the Trustees of the Lumberton Academy, to lay off and sell part of said town commons, to raise a fund for the purpose of building said Academy, passed in the year 1796,	ib.	To emancipate certain persons therein named,	ib.
For building a prison or goal in the town of Hillsborough, for the district of Hillsborough and county of Orange,	ib.	To pardon and restore to credit a certain William Ambrose, of Wake county,	50
Granting certain privileges to the seminary of learning in the county of Guilford,	45	To restore to credit Benjamin Bryant of the county of Buncombe, Moses White of the county of Anson, and Samuel Fields of the county of Randolph,	ib.
		To reinstate James Powell in the rights and privileges of a citizen,	ib.
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		Comptroller's accounts,	51